792. By Mr. O'CONNELL: Petition of Chamber of Commerce of the State of New York, advocating consular reforms; to the Committee on Reform in the Civil Service.

793. By Mr. RAKER: Petition from the San Francisco Council, Friends of Irish Freedom, indorsing the Mason resolution establishing diplomatic relations with the Irish Republic; to the Committee on Foreign Affairs.

794. Also, copy of telegram from the San Francisco Chamber of Commerce, indorsing the Cummins bill; to the Committee on Interstate and Foreign Commerce.

795. Also, petition of National Industrial Conference Board, transmitting resolutions relative to legislation regarding railroad strikes; to the Committee on Interstate and Foreign Commerce.

796. Also, petition of San Francisco Council, Friends of Irish Freedom, indorsing the Mason resolution to establish diplomatic relations with the Irish Republic; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *January 12, 1920.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have not built a social order that can stand alone. Apart from Thy continued grace and favor we may not hope to perpetuate the institutions that have brought happiness and freedom to the millions of Thy children. We seek day by day Thy continued favor and grace that we may continue upon the path upon which we have committed ourselves, and that we may so work together with God that the largest prosperity and the finest and divinest peace may come to the people. We ask Thy blessing in this divine endeavor. For Christ's sake. Amen.

JAMES D. PHELAN, a Senator from the State of California, appeared in his seat to-day.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with and the Journal was approved.

THE VETO POWER.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent to have inserted in the RECORD an editorial from the Washington Post of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE POWER TO VETO PEACE.

"The Constitution provides a way to enact laws despite the veto of the President. But there is no way to make a treaty against the veto of the President. If there should be in the White House a President who did not wish to make peace after his treaty had been changed by the Senate, it might happen that the United States would be unable to reach a state of peace, except on terms laid down by a single individual and in defiance of Congress. There might be a President so wedded to his own plan, so entangled by promises to foreign Governments, or so jealous of the rights of the Senate that he would refuse to exchange ratifications of a peace treaty if the Senate had made reservations in behalf of this Nation. The reservations might be desirable and warmly approved by the people, but such a President could say, 'I do not accept the action of the Senate as the will of the people, and I refuse to approve of the Senate's work.' He would be within his constitutional powers, and could not be compelled to exchange ratifications of the treaty.

"By a two-thirds vote Congress can repass a bill over a President's veto, and it becomes law. The same provision should be made in case of a treaty after it has been approved by the Senate by the required two-thirds vote. Having reached that stage, it should not be pigeonholed by the President, and he should not have the power to pigeonhole it. If he should refuse to proceed with exchange of ratifications, Congress should have power to make the treaty effective by a two-thirds vote, as in case of a vetoed bill. A treaty is a law, and so far as it affects American citizens it is nothing but a law. Congress can abrogate a treaty by passing a law, with or without the President's consent, and this has been done several times. If a treaty and a law are in conflict, the Supreme Court takes the last expression as the law, whether it be the treaty or a simple act of Congress.

"It is conceivable that a President of the United States might be elected who would misuse his power to pigeonhole a peace treaty, and thus keep the Nation in a state of war. A treaty is a contract between nations, and usually a peace treaty is a complicated bargain, the making of which required confidential exchanges between the parties, often leading to the making of secret pledges which must be kept from the knowledge of the people. In such a case the completed draft is apt to conceal as much as it reveals. It is also apt to be obscure, ambiguous, or even purposely misleading on important matters which have been disposed of secretly or which are to be handled privately by the Governments in a manner which would arouse antagonism or even war if known to the people. In that case the Senate would demand information and would not obtain it, or it would learn something indirectly which would cause it to make amendments or reservations for the sake of national security.

"Quite conceivably, amendments or reservations to a peace treaty would seem to be simple on their face and obviously unobjectionable, and yet they might vitally affect the pledges or commitments which a President had made privately to foreign Governments. The ambiguous language of a treaty might be so changed that instead of permitting a President to fulfill secret pledges it would disrupt the entire series of private understandings which has shaped the treaty. He would then be faced with the alternative of breaking his private agreements with foreign Governments or pigeonholing the treaty, notwithstanding his previous advocacy of it. He would possibly be able to convince some of his countrymen that the Senate's alterations had nullified the treaty, in which case he would have specious grounds for refusing to proceed with ratification; but, on the other hand, the people would probably insist upon ratification because of their anxiety to terminate the war. A stubborn President, however, could go to the end of his term without exchanging ratifications, notwithstanding the clamor of the people. Thus he could prove to foreign Governments his own personal good faith in endeavoring to secure ratification by the United States of a treaty with all its private implications and understandings unaffected by reservations or amendments.

"The present controversy over the treaty of Versailles has been valuable in bringing out the defect in the treaty-making power which is herein described. The truth is that the treaty-making power is not equally divided between the President and the Senate, since the President has an absolute veto. This lacuna should not be permitted to exist, for the reason that peace is usually reached by means of treaties, and it is unwise to leave to one man the power to continue a state of war against the will of the people and Congress.

"Congress can declare war with or without the President's consent, but it can not make peace by treaty without the President's consent. Surely if the Constitution makers found it desirable to empower Congress to overrule the President in making war, it would seem desirable that Congress should have power to overrule him in making peace by a treaty which he himself would have submitted."

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Harris	McNary	Smith, Ga.
Ball	Harrison	Moses	Smith, Md.
Borah	Henderson	Nelson	Smith, S. C.
Brandegee	Hitchcock	New	Smoot
Calder	Johnson, S. Dak.	Newberry	Spencer
Capper	Jones, N. Mex.	Norris	Sterling
Chamberlain	Kellogg	Overman	Sutherland
Colt	Kenyon	Page	Thomas
Culberson	Keyes	Phelan	Trammell
Curtis	King	Phipps	Underwood
Dial	Kirby	Pomerene	Wadsworth
Dillingham	Lenroot	Ransdell	Walsh, Mass.
Edge	Lodge	Robinson	Walsh, Mont.
Gay	McCormick	Sheppard	Warren
Gerry	McCumber	Sherman	
Hale	McKellar	Simmons	

Mr. CURTIS. I was requested to announce that the Senator from Maine [Mr. FERNALD] and the Senator from Maryland [Mr. FRANCE] are absent on official business.

I was also requested to announce that the Senator from Indiana [Mr. WATSON], the Senator from Idaho [Mr. NUGENT], the Senator from Connecticut [Mr. MCLEAN], the Senator from North Dakota [Mr. GRONNA], the Senator from Nebraska [Mr. NORRIS], and the Senator from Wyoming [Mr. KENDRICK] are detained on official business.

Mr. UNDERWOOD. I desire to announce that my colleague [Mr. BANKHEAD] is absent on official business.

Mr. GERRY. The senior Senator from Kentucky [Mr. BECKHAM], the Senator from Delaware [Mr. WOLCOTT], the Senator from Idaho [Mr. NUGENT], the Senator from Nevada [Mr. PITTMAN], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Mississippi [Mr. WILLIAMS] are absent on official business.

Mr. McKELLAR. The Senator from Virginia [Mr. SWANSON] and the Senator from Tennessee [Mr. SHIELDS] are detained on account of illness in their families.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WALSH of Montana conferees on the part of the Senate.

THE LODGE RESERVATIONS.

Mr. WALSH of Montana. Mr. President, in a letter from President Lowell to the junior Senator from Massachusetts [Mr. WALSH], printed in the RECORD a few days ago, there was advanced a new conception of the significance or at least of the operation of article 10 of the covenant of the league of nations. I never heard it advanced upon the floor of the Senate, and I do not believe that it was ever before presented for our consideration. It is set out only in outline in the letter, but, as I gather the idea, it is that article 10 does not obligate the United States or any member of the league of nations to go immediately to the aid of any other member whose territory has been invaded. It is argued that the obligation does not arise until after the termination of a successful war, whereupon all the other nations of the earth, being members of the league, are obligated to see that neither the territorial integrity nor political independence of the defeated nation is disturbed. In other words, Mr. President, it is as was done in the case of the Berlin conference after the close of the Russo-Turkish War. Turkey had been overwhelmed and was at the mercy of Russia, but the European nations stepped in and prevented her from appropriating the Turkish territory, as she desired to do and she was in a situation to do.

To illustrate the application of this idea to a case which might easily arise, let us assume that things went from bad to worse between this country and Mexico and we deemed it necessary to go into Mexico for the protection of the rights of our citizens and to insure a stable government in that country. We publish to the world, as we did in the case of the Spanish-American War, that we have no purpose whatever to interfere with the political independence nor to disturb in any manner the territorial integrity of Mexico. We are simply going in to straighten out matters and then we shall retire. The argument is that under article 10 no nation would be justified immediately in making war upon us to restrain us from doing so, but after we had gone in and had reasonably met the purpose for which we did go in, the other nations of the world would then prevent us from appropriating any of the territory of Mexico or interfering with the political independence of that country.

The idea, Mr. President, was, in fact, elaborated in an article written by the Hon. George Rublee, which was published some time ago, as I am told, in The New Republic. He asserts that it is the idea of article 10 which was prevalent in Europe at the time the covenant was adopted and which still obtains there. If so, it is most important that in the further consideration of the subject this idea should be borne in mind by Senators. Accordingly I offer for the RECORD the article to which I have referred, and I ask that it may be printed therein.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LODGE RESERVATIONS.

"In some way or other the peace treaty will come again before the Senate, and there will be a final effort to secure ratification.

"Two things are clear. First, the sentiment of the country and even of the Senate is in favor of ratification; secondly, in the existing political situation the treaty can not be ratified without reservations. The present deadlock results from the inability of the 81 Senators who voted for ratification to agree upon the character of reservations which should be adopted.

"A speedy compromise and agreement is what the country wants. Perhaps it is too much to hope that the Senators will put aside the partisan ill will and passion which has governed their consideration of the treaty up to the present time. We must put our trust in public opinion to compel a settlement which is not determined by the irrelevant desire to humiliate and discredit President Wilson.

"Public opinion, however, needs information. It is confused by the dispute about the meaning and effect of the covenant of the league of nations. Eminent Republican politicians have declared that it creates a supergovernment which is authorized to command this country, if it joins, in disregard of the limitations of the Constitution. This is denied. But the arguments on both sides have been so general, have dealt so little with the specific provisions and necessary working of the covenant that the public is not in a position to judge as to the merits of the contradictory assertions. Americans want to be sure that they know exactly what they are promising to do. Hence there is substantial popular support for reservations which will make this unmistakably clear.

"It will be useful to recall the obligations relating to war contained in the covenant. These are four in number: (1) The agreement to submit disputes either to arbitration or to inquiry and not to resort to war until three months after the award by the arbitrators or the report by the council. (2) The agreement not to resort to war against a member of the league which complies with an award by arbitrators. It should be borne in mind that there is no obligation to submit disputes to arbitration. Only such disputes are to be arbitrated as the members recognize to be suitable for submission to arbitration. But any dispute which is not submitted to arbitration must be submitted for investigation and report by the council. (3) The agreement not to go to war with any party to a dispute which complies with a report unanimously agreed to by the members of the council other than the representatives of the parties to the dispute. (4) The agreement to apply the economic boycott against any member of the league which resorts to war in disregard of any of the foregoing covenants. There is also the much-debated article 10, in which the members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. For reasons which will be given presently it seems clear that article 10 is not a promise to defend any member of the league against war by another State, but a promise to see that it shall not lose territory or political independence as a result of such a war.

"The covenant does not bind the members to employ military or naval force. In case of resort to war in violation of the agreements mentioned above it is the duty of the council to make recommendations as to the contribution of military or naval forces to be used to protect the covenants of the league. But the members do not agree to comply with the recommendations. Neither the council nor the assembly is authorized to bind members of the league to any course of action. They are empowered only to propose, advise, or recommend action. Each member of the league is free to decide whether it will adopt or reject the proposals, advice, or recommendations. In considering the covenant it is most important to keep this in mind.

"In the dispute over the provisions of the covenant the controversy is mainly as to whether they express the meaning which both sides agree that they ought to have. Everybody agrees that Congress must be free to exercise its constitutional powers in all cases, and especially to decide, in accordance with its judgment applied to the circumstances existing at the time, whether the army or navy shall be used. It is agreed that the Monroe doctrine should be outside of the sphere of action of the league, and that the league should not pass on domestic questions. Everybody agrees that the United States should be able to withdraw from the league on two years' notice and should decide for itself whether its international obligations and its obligations under the covenant have been fulfilled. Reservations covering these points are no longer opposed.

"The Lodge reservations, however, must be revised. Their tone is arrogant and offensive. Some of them make radical changes in the treaty which would upset the machinery for its execution, would be unacceptable to the other signatories, are not demanded by public opinion, and are not necessary for the protection of this country. Others should in substance be adopted because they make clear questions which either have been in dispute or do not touch a vital part of the treaty, and because a controversy which has cut so deep as this one can not be settled without compromise. But in their present form these reservations are so pervaded by latent hostility to the idea of cooperation among nations, by suspicion and selfish reluctance, that it is open to question whether our participation in the treaty on such a footing, even if accepted by the other nations, would be a benefit.

"The following analysis is an attempt to indicate the portions of the Lodge reservations which could be agreed to for the sake of securing ratification and to give reasons why the rest should be rejected.

"The preamble or first reservation is most objectionable. It requires the acceptance of the reservations by an exchange of notes by at least three of the four principal powers—Great Britain, France, Italy, and Japan. This requirement is bad manners, because, if we ask any of the signatories for an express acceptance, we should ask all. It is embarrassing to the powers to whom we put the demand and would almost certainly lead to delay and confusion by the reopening of negotiations. It is unnecessary because omission to object to the reservations would operate as an acceptance.

"The second reservation concerning the right of withdrawal from the league is interpretative and should be adopted. It should be altered, however, by providing that the notice of withdrawal shall be given not by a concurrent resolution of Congress, but by a joint resolution, in order that the President may retain his constitutional veto power.

"The third reservation relates to article 10 of the covenant of the league of nations containing the undertaking to preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. The reservation goes too far and should be modified. It refuses to assume any obligation under article 10, and by specific reference to the employment of military and naval forces it seems to imply that the only method of preserving the territorial integrity or political independence of a member of the league is by the use of armed force. Other methods are diplomatic action and economic pressure. Americans generally have a feeling of responsibility for the protection of the weaker nations which they have helped to liberate and set on their feet; and they would be willing to use diplomatic influence, or even economic pressure, for this purpose in cases where they might not be prepared to send American soldiers and sailors overseas to fight.

"The uneasiness over article 10 is due to the impression that it might require the United States to send troops to any part of the world to defend a member of the league against attack by another State. This is a mistake arising from failure to perceive the true function of article 10 in the covenant. It is not part of the machinery to prevent wars. That machinery is contained in articles 12, 13, 15, and 16. What article 10 secures is that wars which occur in spite of these other provisions shall not result in loss of territory or political independence by any member of the league. This becomes clear when one considers what would necessarily happen under the covenant in case of war.

"Let us suppose, for example, an attack by Roumania against Hungary without previous submission of the dispute to arbitration or to inquiry by the council. Under article 16 Roumania would ipso facto be deemed to have committed an act of war against all the other members of the league, each of which would be bound immediately to subject Roumania to the economic boycott. It would also be the duty of the council to recommend to the several Governments what effective military or naval forces the members of the league should severally contribute. The members of the league would further be bound mutually to support one another in the financial and economic measures taken, and to afford passage through their territory to the forces of the league. All this action of the league would take place under article 16 and not under article 10. In case the dispute had been submitted to arbitration, and Hungary had complied with the award of the arbitrators, if Roumania should then attack Hungary, the same results would follow. So also if the dispute had been submitted to inquiry, and Roumania should attack, notwithstanding the compliance of Hungary with the recommendations of a report unanimously agreed to by the members of the council.

"In none of the foregoing instances would there be recourse to article 10. Now, notice what would happen in case of an inquiry by the council if the report of the council were not unanimously agreed to. In that event the members of the league, under article 16, reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice. War between Roumania and Hungary would be permitted and the other members of the league would be free to go in or stay out. Such liberty of action is entirely inconsistent with the view that article 10 imposes an obligation to defend members of the league against attack. The covenant, however, by article 10 does not allow even a permitted war to result in impairment of territorial integrity or of political independence. It requires the members of the league to seek, through the agency of the council, to agree upon a course of action which will prevent such a result.

"The preceding exposition shows that article 10 has far less importance in its practical bearing than is generally supposed, and that in the actual working of the league it will seldom be invoked. Fears which have been aroused would be dispelled by an interpretative reservation declaring that the United States assumes no obligation to employ its military or naval forces or to use economic pressure to preserve the territorial integrity and existing political independence of any member of the league unless Congress so provides.

"The fourth reservation requiring the assent of Congress for the acceptance of any mandate by the United States is interpretative and should be accepted.

"The fifth reservation relating to domestic questions is objectionable both in substance and in form and should be revised. It not only reserves to the United States exclusively the right to decide what questions are within its domestic jurisdiction but also declares that all political questions relating wholly or in part to its internal affairs 'are not under this treaty to be submitted in any way either to arbitration or to the consideration of the council or the assembly, or any agency thereof, or to the decision or recommendation of any other power.' The wording, not to mention its prolixity and the defiant tone, is so broad as to enable the United States to withdraw from the jurisdiction of the league almost every dispute which it may have. We shall not have many disputes which we could not fairly claim to involve a political question relating in part to our internal affairs. Among the examples given of the questions so reserved are commerce, which, if of an international character, is certainly not a domestic question, and the suppression of traffic in women and children and in opium and other dangerous drugs. Senator LODGE wants to forbid the agencies of the league to recommend to the United States cooperation in a world-wide plan for the suppression of traffic in women and children, in opium, or other dangerous drugs. This is absurd. The covenant makes the rules of international law the test of whether a question is domestic. If the Senate will not trust the council of the league to apply international law correctly, it ought at least to indicate a standard according to which the United States will decide. The reservation should go no further than to withdraw from the sphere of action of the league questions which the United States decides are, by international law, solely within its domestic jurisdiction.

"The sixth reservation is interpretative and, in substance, should be accepted. It is verbose and unduly self-important, and by its tone is likely to offend South American countries. No reason is apparent why a simple statement that the United States understands and declares that the Monroe doctrine is not within the sphere of action of the league would not answer the purpose.

"It is not necessary to declare that the United States will not submit domestic questions or the Monroe doctrine to arbitration, because, as pointed out above, the members of the league are bound to submit to arbitration only such disputes as they recognize to be suitable for arbitration. The horror with which Republican Senators regard the possibility that the council may assume to investigate and report on disputes involving an American domestic question or the Monroe doctrine evidences an extraordinary change of view with regard to national policy. It is not as generally known as it should be that in 1914, on the initiative of Secretary of State Bryan, the United States made treaties for the advancement of peace with nearly a score of States, including Great Britain, France, and Italy. All these treaties provide that disputes of every nature whatsoever shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent international commission, and that the parties shall not declare war or begin hostilities during such investigation and before the report is submitted. A year is allowed for the international

commission to complete its investigation and report. The Senate ratified all these treaties without opposition. They are now in force and are part of the supreme law of the land. Domestic questions and the Monroe doctrine are not excluded from their operation. The United States is, therefore, bound to submit for investigation and report by a body of which a majority are not to be American citizens any dispute over a domestic question or the Monroe doctrine that we may have with Great Britain, France, Italy, or the other countries which are parties to the Bryan treaties. The Bryan treaties are mentioned only to show the unreality of the issues which Senator LODGE has raised.

"The seventh reservation withholds the assent of the United States to the articles of the treaty relating to Shantung. American opinion regards the transfer of German rights in Shantung to Japan as one of the chief wrongs of the treaty. On the other hand, the country is not prepared to oust Japan by force. The general feeling is that if this reservation would make it impossible for the other powers to accept our ratification it should be dropped. Much, therefore, depends upon the knowledge which the administration must have regarding the attitude of the other powers. If the reservation is not fatal, its adoption might go a long way toward securing a satisfactory compromise in other respects.

"The eighth reservation ought to have much more careful examination than it has received and should be modified. It retains in Congress complete control over the extent of the participation of the United States in the commissions and other international bodies created to carry out the peace treaty and over the appointment of Americans on these bodies and on the committees of the league of nations, and it empowers Congress to define their powers and duties. There are very serious objections to these provisions. It is proper for Congress to provide by law for the appointment of the representatives of the United States in the assembly and the council of the league, and possibly of the American representatives on the international bodies which are to carry out the peace treaty. But it is not right to leave to the future discretion of Congress the decision as to whether the United States will participate at all in the bodies which are to execute the treaty and those which are to act for the league of nations. This is work which can not wait, and the other nations are entitled to know at once whether America is to cooperate with them or not. Congress also should not define the powers and duties of the American representatives. Their powers and duties are defined by the treaty. If the American representatives were governed by a different law prescribing different duties from those of their colleagues, the resulting confusion might render their presence more embarrassing than useful. Finally, the reservation might be construed so as to require appointments to the staff of the secretariat of the league to be approved by the Senate. This, at least, should be changed. The staff of the secretariat will have no political duties. They will represent, not the countries of which they are citizens, but the league of nations. They will be experts in international law, economics, finance, geography, etc. Their duty will be to gather and make available information for the use of the council and the assembly. The covenant provides that the secretaries and the staff of the secretariat shall be appointed by the secretary general (Sir Eric Drummond), with the approval of the council. Experts who serve the United States Government are appointed by the heads of departments without the approval of the Senate. The Senate should leave the selection of American experts for the secretariat to the secretary general and the council, who will know best the requirements of the work.

"The ninth reservation declares the understanding of the United States to be that the reparation commission will regulate or interfere with exports from the United States to Germany or from Germany to the United States only when Congress has approved. The clearest feature of this provision is that it is self-regarding. The reparation commission has no express power to regulate imports and exports to and from Germany. But as Germany agrees to effectuate its findings, the meaning of the reservation probably is that the reparation commission is not to adopt, without the approval of Congress, any finding which would require German legislation affecting trade with the United States. This would be a cumbrous method of working, which might make serious trouble. The reservation should not be accepted unless it must be to secure ratification.

"The tenth reservation provides that the United States shall not be obligated to contribute any expenses incurred under the treaty until an appropriation therefor shall have been made by Congress. Of all the reservations, this is perhaps the pettiest and most humiliating for this country. The richest nation, the one least damaged by the war, is the only one to haggle about the expense of carrying out the treaty. If this reservation is not rejected entirely, as it should be, at least the secretariat of the league of nations should be excepted from its operation. The covenant provides that the expense of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union, of which the United States is a member. Under this scheme each member pays a fixed proportion of the total expense. If, however, the United States enters into no agreement and will contribute only what Congress chooses to appropriate, the plans of the secretariat can not be settled until Congress has made its appropriation. By niggardly appropriations Congress, which can not judge intelligently what the work of the secretariat should be, could cripple this agency, upon which the council and assembly must depend for information and expert advice.

"The eleventh reservation concerning the reduction of armaments should not be accepted. Article 8 of the covenant charges the council with the duty of formulating plans for the reduction of national armaments for the consideration of the several Governments, and provides that after these plans shall have been adopted, limits of armaments therein fixed shall not be exceeded without the concurrence of the council. Senator LODGE proposes to reserve the right to increase the armaments without the consent of the council whenever the United States is threatened with invasion or engaged in war. The United States is less exposed than any other of the great nations to the danger of invasion or attack. Reduction of armaments, the surest safeguard against war, is possibly the greatest present need of the world. The continuance of competition in armaments will put an intolerable burden on every people, would perpetuate militarism, and would certainly lead again to war. The only hope of getting reduction lies in a general agreement binding on all nations alike. Let us do nothing now to lessen the chance of such an agreement. This reservation is not necessary for our protection. The members of the league are not bound to adopt the plans which the council will formulate. When these plans are presented we shall know more about the value of the league than we do now. If it should then be deemed necessary, we can require the covenant to be amended as a condition of our adoption of the plan.

"The twelfth reservation providing that Congress may permit the nationals of a covenant-breaking state residing in the United States to continue their relations with the nationals of the United States is harmless. Probably it expresses the interpretation which would be given to the covenant; in any case the departure from its terms is negligible.

"The thirteenth reservation relates to the system created by the treaty for the payment of prewar debts and for the adjustment of the proceeds of enemy property. It is vaguely worded and its application is not clear, but as it relates to matters of minor importance, and as any power may decline to participate in the system by giving six months' notice, it can be accepted for the sake of securing an agreement to ratify.

"For the same reason the fourteenth reservation concerning the international labor organization can be accepted. It withholds the assent of the United States to the provisions creating the international labor organization unless Congress shall hereafter make provision for representation therein. This organization is only authorized to make recommendations for legislation, which may be rejected, and to collect and distribute information on labor, so that it is hard to understand the reason for refusing to accept the provisions of the treaty. The adoption of the reservations would doubtless deeply disappoint the best elements of American labor. But after the Senate has enjoyed the satisfaction of showing its power, labor will probably be able to bring to bear sufficient influence to induce Congress to provide for American representation on satisfactory terms.

"The fifteenth reservation relates to the six votes in the assembly of the league of the British Empire and its self-governing dominions. The latter part, providing in substance that in case of any dispute between the United States and any part of the British Empire, none of the six votes shall be cast, is interpretative and should be adopted. But the first part, providing that the United States 'assumes no obligation to be bound by any election, decision, report, or finding of the council or assembly in which any members of the league and its self-governing dominions, colonies, or parts of empire in the aggregate have cast more than one vote,' should be rejected.

"In the first place, the self-governing dominions would not permit Great Britain to accept this provision. They rightfully feel that they have earned a voice in the league, and would regard the attempt to exclude them as an affront. In the second place, the provision is not necessary for our protection.

The whole outcry against the six votes is based upon a misconstruction of the covenant, which has misled many who are unfamiliar with its provisions, and which on the part of its leading opponents seems willful.

"Let us first consider the council, where the British Empire now has but one vote. It can not secure another without the consent of the American representative. The assembly may from time to time select the temporary members of the council, but it can do so only by unanimous agreement. The council, with the approval of a majority of the assembly, may name additional members of the league, whose representatives shall always be members of the council. But the council must be unanimous. It is therefore not possible for a self-governing dominion, colony, or part of the British Empire to have representation on the council unless the American representative assents.

"Now, as to the assembly: Except in regard to matters of procedure, the assembly can not make a decision, report, or finding without the concurrence of the representatives of the members of the league represented on the council. The United States has exactly the same protection against any unfavorable action by the assembly as it would have if the matter were before the council instead of the assembly. It is true that a new member may be admitted to the league by two-thirds of the assembly. In elections (but in no other case) the six votes confer unequal power. But has America anything to fear from the election of new members? The American view is that the league should embrace all civilized nations.

"The unreality of the objection to the six votes is seen when one recalls that Cuba, Haiti, Guatemala, Nicarâgua, and Panama will be members of the league, and that in fact it is likely that the United States will have more influence over the votes of these States than Great Britain will be able to exercise over the votes of Australia, Canada, and the other dominions.

"The covenant of the league is not perfect. Nobody contends that it is. But if we do not take it and use it in the trust that custom and experience will enable the world to so develop it so that in time there may be a saner management of international relationships, what is the alternative? The alternative is the 'balance of power' breaking down inevitably in disaster, in which, as recent experience proves, the United States will share."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution extending the time until March 1, 1920, within which the joint special committee shall report relative to the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims, in which it requested the concurrence of the Senate.

REPORTS OF COMMITTEES.

Mr. EDGE, from the Committee on Immigration, to which was referred the joint resolution (S. J. Res. 134) to readmit Augusta Louise de Haven-Alten to the status and privileges of a citizen of the United States, reported it without amendment.

Mr. LENROOT, from the Committee on Military Affairs, to which was referred the bill (S. 2956) to amend sections 4874 and 4875 of the Revised Statutes, and to provide a compensation for superintendents of national cemeteries, reported it with an amendment and submitted a report (No. 371) thereon.

WITNESS FEES IN FEDERAL COURTS.

Mr. NELSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3681) to amend section 848, chapter 16, Revised Statutes of the United States, relating to witness fees. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill just reported by him. Is there any objection?

Mr. NELSON. Mr. President, if no objection is made to the present consideration of the bill, I shall not take up the time of the Senate in making a statement in reference to it.

Mr. SMOOT. I should like to have the Senator from Minnesota state the purpose of the bill.

Mr. NELSON. I will state the purpose of the bill. Under existing law witnesses in United States courts are only entitled to a dollar and a half a day for attending court and 5 cents per mile in going and coming. Under present conditions it is exceedingly difficult to get witnesses to attend; they avoid doing so because it costs them much more than a dollar and a half a day for their board. They oftentimes have to pay as much as a dollar and a half for a single meal. The bill proposes to increase the payment for the attendance of such witnesses to $3 a day, the same as is paid in the case of jurors. That is the only change of existing law proposed.

Mr. KING. Mr. President, will the Senator from Minnesota permit an inquiry?

Mr. NELSON. Certainly.

Mr. KING. Is there any time limitation in the bill or is it proposed to be a perpetual policy, so far as this Congress may enforce a perpetual policy?

Mr. NELSON. If the bill is passed, it becomes the law in reference to the fees of such witnesses.

Mr. KING. In view of the fact that the Senator from Minnesota assigns as a reason for the passage of the measure the high prices now existing, would it not be proper to fix a time limit in the bill?

Mr. NELSON. I do not think under ordinary conditions $3 a day is too high for witness fees. We have been paying jurymen that sum, and I do not know why a witness should not have that much per diem for attendance.

Mr. HITCHCOCK. Mr. President, if the Senator from Minnesota will permit me, I think I can throw some light on this subject. I introduced this bill at the instance of the officials of the Federal court in Nebraska. The States west of Nebraska are operating under a statute which enables them to pay $3 a day for witnesses while the courts in States east of Montana are only permitted to pay $1.50 a day. That statute was enacted, I think, in 1856, very many years ago, when the dollar had an entirely different value from what it now has and when expenses were very much less. Jurors are now paid $3 a day for attendance. If a man is called as a juror in the same court he gets $3 a day, while the witness called in the same case only gets $1.50.

The experience of the Federal courts—at least that is true in my section of the country—is that it is a hardship for witnesses to attend court. The result is that when men ascertain the fact of this hardship, as they do from those who have had experience, they often suppress the fact that they have information which might make them witnesses. It is a serious hardship to bring a man, as is sometimes done, a hundred miles to a court in Omaha or in Lincoln, keep him there for a number of days, and only allow him $1.50 a day, when his actual cost of living during that time at some of the hotels is several times that amount.

The Federal officials are asking for this legislation; it is not being asked for by any class of individuals, for witnesses, necessarily, come from all classes of people and from various classes of people at different times. However, the Federal officials in order to promote court proceedings are asking that the old law, which was enacted more than two generations ago, be so changed as to make it less of a hardship for witnesses to attend court when called there. I believe the bill is an important measure and should be passed.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 848 of chapter 16, Revised Statutes of the United States, be amended by striking out the words "one dollar and fifty cents" and inserting in lieu thereof the words "three dollars," so the same shall read:

"For each day's attendance in court, or before any officer, pursuant to law, $3, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning. When a witness is subpœnaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

"When a witness is detained in prison for want of security for his appearance he shall be entitled, in addition to this subsistence, to a compensation of $1 a day."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT AT LAURINBURG, N. C.

Mr. OVERMAN. I report back favorably without amendment from the Committee on the Judiciary the bill (S. 3696) to change the time for holding court in Laurinburg, eastern district of North Carolina, and I ask unanimous consent for its present consideration. The bill only affects the time of holding a district court in my State.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act establishing terms of the district court in the city of Laurinburg, N. C., on the last Monday in September and March be, and the same is hereby, amended to read as follows:

"That terms of the district court for the eastern district of North Carolina shall hereafter be held in the city of Laurinburg on Monday before the last Monday in March and September instead of on the last Monday in September and March, as provided for in the original bill creating the terms of court at Laurinburg."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LITERACY TEST OF IMMIGRANTS.

Mr. STERLING. In the absence of the junior Senator from Idaho [Mr. NUGENT], I report back favorably without amendment the bill (S. 3566) to amend section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917. I call the attention of the Senator from New York to the bill.

Mr. CALDER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from South Dakota.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. THOMAS. Let the bill be read, Mr. President.

The VICE PRESIDENT. Read the bill.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to regulate the immigration of aliens to, and the residence of aliens in, the United States," approved February 5, 1917, is hereby amended by adding at the end thereof the following:

"*Provided further*, That an alien who can not read may, if otherwise admissible, be admitted if, within five years after this act becomes law, a citizen of the United States who has served in the military or naval forces of the United States during the war with the Imperial German Government requests that such alien be admitted, and, with the approval of the Secretary of Labor, marries such alien at a United States immigration station."

Mr. CALDER. Mr. President, the purpose of the bill is to permit an alien who proposes to marry an honorably discharged soldier of the United States to come here and marry that soldier, provided the alien can pass every test save only the literacy test. I have been prompted to introduce the bill by the fact that a soldier of Italian birth who had lived in this country for 10 years, who fought in our Army in Europe and was wounded, went back to visit his own home in Italy, returned to America, where he was discharged, and then sent back to Italy for the girl he proposed to marry. She arrived here and passed every test save the literacy test, but she can not under the law be allowed to enter this country to marry him, and must accordingly go back to Italy. He can go back to Italy on the same ship with her and marry her there and bring her back to this country on the next ship. We have passed here several bills permitting the restoration of citizenship to American women who have married German noblemen, and it seems to me we ought to permit the literacy test to be waived in cases such as I have outlined.

Mr. THOMAS. I shall not object to the bill, but I think the title should be amended so as to read, "A bill to encourage matrimony abroad."

Mr. BORAH. Mr. President, do I understand the only difference between the law after this bill passes, if it does pass, and the law now is that the marriage may take place here instead of in Italy?

Mr. CALDER. Yes; rather than to require an American soldier to go back to Italy.

Mr. BORAH. In other words, if the American soldier should return to Italy he would be permitted to marry the woman and bring her here notwithstanding the fact that she is unable to pass the test?

Mr. CALDER. That is correct.

Mr. BORAH. I certainly do not desire to enforce that kind of a trip in these hard times.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT ST. LOUIS, MO.

Mr. SPENCER. I am authorized by the Committee on Public Buildings and Grounds to report back favorably without amendment the bill (H. R. 484) to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo., and I ask unanimous consent for its immediate consideration.

Mr. SMOOT. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, etc., That in carrying out that provision in the act of Congress approved March 4, 1913 (37 Stats., p. 886), which authorized the construction of a building for the United States Subtreasury and other governmental offices in St. Louis, Mo., upon the site theretofore acquired for that purpose, the Secretary of the Treasury may have said building so constructed as to omit accommodations for the Subtreasury.

Mr. KENYON. Mr. President, may I ask a question of the Senator from Missouri, if it will not disturb the harmony of passing these bills quickly? Does the bill require an additional appropriation?

Mr. SPENCER. It does not. I was about to make a statement concerning it. Congress in 1910 authorized the purchase of a tract of land, which has been bought and paid for. In 1913 Congress authorized the erection of a building and an appropriation was made. The Secretary of the Treasury has come to the conclusion that in the construction of that building he can do without the use of that building for the Subtreasury, and he desires the authority of Congress in erecting the building to eliminate the provision for the Subtreasury. That is all that this bill, which has passed the House, proposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 3697) for the relief of Archie B. and Gladys B. Darling (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim of the owners of the derrick *Century* against the United States, and for other purposes; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 3699) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3700) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Co.; to the Committee on Claims.

A bill (S. 3701) granting an increase of pension to Minerva C. McMillan; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3702) to regulate the issuance of stock by corporations engaged in interstate commerce; to the Committee on Interstate Commerce.

By Mr. GERRY:

A bill (S. 3703) granting an increase of pension to Edward S. Stimpson (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3704) granting a pension to Amanda M. Chase (with accompanying papers); to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3705) for the relief of George W. Stinebaker; to the Committee on Military Affairs.

WATER-POWER DEVELOPMENT.

Mr. WALSH of Montana submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

Mr. WADSWORTH. I present a number of amendments to House bill 3184, the so-called water-power bill, which I should like to have printed and lie on the table to be called up at the appropriate time.

The VICE PRESIDENT. It will be so ordered.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. WALSH of Montana submitted an amendment proposing to appropriate $25,000 for the construction and improvement of

the road through the Blackfeet Indian Reservation in Montana, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for the construction of a bridge across Two Medicine Creek, on the Blackfeet Indian Reservation in Montana, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

LAND GRANTS TO RAILROADS.

Mr. KING. Mr. President, during the debate a few days ago on the Cummins railroad bill the Senator from Oregon [Mr. CHAMBERLAIN] put into the RECORD some statements in regard to the railroad land grants. It is claimed by Mr. Baldwin, who has written to me, and who had a great deal to do with the railroad grants, that the statement made by the distinguished Senator from Oregon was inaccurate and did a grave injustice to those who were connected with the grants. He has sent me a statement and asked that, in justice, it be inserted in the RECORD. I have submitted it to the Senator from Oregon, and he has consented that it go in the RECORD. I think that it should be submitted and placed in the RECORD as a reply to the statement made by the Senator from Oregon, and I ask unanimous consent that it may be printed in the RECORD without reading.

There being no objection, the statement referred to was ordered to be printed in the RECORD, as follows:

"The remarks of Senator CHAMBERLAIN, of Oregon, in the Senate on Friday, December 19, 1919, contain so many mistakes of fact and so many half truths that they do not correctly represent the subject of land grants to railroads. The Senator himself is probably an unconscious victim of this misrepresentation, because his speech consists largely of quotations from a publication called 'Encyclopedia of American Government.'

"The most casual reading of this encyclopedia article will show that it was hastily and carelessly compiled and that, so far as the Government land grants are concerned, it entirely omits consideration of the essential features. These features are the conditions and circumstances which led to the making of these land grants.

"What were the lands worth; that is, what value did the Government part with, and what exactions did the Government make from the companies to whom the grants were made?

"The first important Government land grant in aid of the construction of railroads was in 1850, which was a grant of 2,500,000 acres in Illinois to aid in the construction of the Illinois Central Railroad. The father of this measure was Stephen A. Douglas. Prior to 1850 there were no Government land grants, and a reading of the encyclopedia article quoted by Senator CHAMBERLAIN will show how insignificant were the money contributions prior to 1850. The fact is that in almost every case the States either owned the roads or were financially interested in them. The State of Michigan, for instance, built and owned the Michigan Central road from Detroit to Kalamazoo, which it operated for years at a loss and sold in 1846 for a small consideration. The land-grant policy of aid to railroads began in 1850 with the Illinois Central grant.

"If Senator CHAMBERLAIN had had an opportunity to read the debates in the Senate when these land grants were made, instead of inserting into the RECORD a mass of statements from an encyclopedia, he would have learned the conditions which existed in 1850, the motives and reasons which inspired the Senators of that day to vote these land grants, the values which the Government parted with, and the valuable financial reservations that were inserted as conditions of the grants, and the wisdom of the policy.

"The following are extracts from speeches of Henry Clay, Thomas H. Benton, and Stephen A. Douglas in the Senate upon the subject of the Illinois land grant which throw an illuminating light upon this whole subject and are typical of all the speeches made on the subject:

"'Mr. DOUGLAS. It is simply carrying out a principle which has been acted upon for 30 years, by which you cede each alternate section of land and double the price of the alternate sections not ceded, so that the same price is received for the whole. These lands have been in the market for 15 to 30 years; the average time is about 23 years; but they will not sell at the usual price of $1.25 per acre, because they are distant from any navigable stream or a market for produce. A railroad will make the lands salable at double the usual price, because the improvement made will make them valuable.'

"'HENRY CLAY. With respect to the State of Illinois—and I believe the same is true to a considerable extent with reference to Mississippi and Alabama, but I happen to know something personally of the interior of the State of Illinois—that portion of the State through which this road will run is a succession of prairies, the principal of which is denominated the "Grand Prairie." I do not recollect its exact length; it is, I believe, about 300 miles in length and but 100 in breadth. Now, this road will pass directly through that Grand Prairie lengthwise, and there is nobody who knows anything of that Grand Prairie who does not know that the land is utterly worthless for any present purpose—not because it is not fertile but for want of wood and water and from the fact that it is inaccessible, wanting all facilities for reaching a market or for transporting timber, so that nobody will go there and settle while it is so destitute of all the advantages of society and the conveniences which arise from a social state. And now, by constructing this road through the prairie, through the center of the State of Illinois, you bring millions of acres of land immediately into the market, which will otherwise remain for years and years entirely unsalable.'

"'THOMAS H. BENTON. From the consideration which I gave to that subject at that early day, it appeared to me that it was a beneficial disposition for the United States to make of her refuse lands, to cede them to the States in which they lay. Lands which had been 20 or 25 years in the market at the minimum price, and had never found a purchaser up to that time, were classed as refuse, and it was deemed that the State, as a local authority, might be able to make some disposition of them, which the General Government, without machinery of land offices, could not. The principle of the bill before the Senate is to take the refuse lands and appropriate them to a great object of internal improvement, which, although it has its locality in a particular State, produces advantages which we all know spread far and wide, for a good road can not be made anywhere without being beneficial to the whole United States.

"'But, Mr. President, with respect to the general proposition, this application rests upon a principle that young States are made desolate, in a great degree, by having lands in their midst that pay no taxes, undergo no cultivation, that are held at a price that nobody will pay, and which, in fact, in some parts of the country become jungles for the protection of wild beasts that prey upon the flocks and herds of the farmers.'

"Why did not Senator CHAMBERLAIN examine the record of these debates? Why did he not inquire and state what the railroad companies were compelled to give back in return for what the Government granted to them?

THE ILLINOIS CENTRAL GRANT.

"Because it was the first of these Government land grants and embraced the most valuable lands covered by any grant of agricultural land a correct knowledge of its value will throw light upon the whole subject.

"The first point to consider is what were these lands worth in 1850; what did the Government give to secure the construction of the Illinois Central road? What value did the Government part with?

"This all-important inquiry is ignored by Senator CHAMBERLAIN. The reason for its importance has been well put by Prof. Allen, of the University of Chicago, as follows:

"'In determining the principle represented by the lands we must take account of the actual value of the lands in 1851. The values which the railroad company was to receive for the lands were not foreseen, and the State could justly claim compensation only for the values it surrendered. The lands had been offered by the General Government at $1.25 per acre without finding buyers, but as soon as the lands were granted to the railroad company the minimum price for Government as well as railroad lands became $2.50. More than this they were sure to bring, but only in case the private corporation bring in the road to develop them.'

"What contribution, then, did the Government make toward the construction of the Illinois Central Railroad?

"Senator Douglas and all the other Senators state clearly what was the value of these lands. They had been in the open market for sale for 25 years with no purchasers. The promoters of the road, who took the risk of the venture, could have bought this land with no strings to it, no restrictions whatever, at $1.25 per acre. The grant was for 2,500,000 acres, so that the outside estimate of what the Government contributed was $3,100,000.

"The officials of the road could have bought the land for $3,100,000.

"But that is far more than the Government parted with, because not only did the building of the road enable the Government to immediately raise the price of all its adjoining lands from $1.25 to $2.50 per acre, as Senator Douglas explains, but it

gave them a market for land which, without the railroad, was not salable at any price.

"Senator CHAMBERLAIN in his speech was inconsistent in his attitude toward the railroad companies in this matter of the value of their land grants. In one sentence he denounces them for not holding the lands for higher prices and in another denounces them for refusing to sell to settlers at low prices. He says, 'If the lands had been husbanded as carefully as they ought to have been, these grants ought to have built the roads,' but in the very next sentence he bitterly denounces an Oregon railroad company for refusing to sell lands which he describes as 'magnificent' and 'covered with the finest timber in the world,' at $2.50 per acre. In one breath he condemns them because they sold the lands at low prices and in the next breath condemns them for refusing to sell at low prices.

"The Illinois Central grant, as stated, had a possible market value of $3,100,000. That is an outside estimate of what value the Government parted with as a contribution toward the building of a railroad through a region which Henry Clay described as 'utterly worthless for any present purpose' and Thomas H. Benton referred to as 'jungles for the protection of wild beasts that prey upon the flocks and herds of the farmers.'

"But what has the Government and the State of Illinois taken from the Illinois Central Co. and its owners in consideration of that land grant worth $3,100,000? It has already taken more than $21,000,000 in money and continues to take at the rate of hundreds of thousands of dollars every year.

"Senator CHAMBERLAIN protested, 'I am not inimical to railroads; I am friendly to them.' Why, then, did he not acquaint the Senate with something of the other side of the story? Why did he not mention what the railroad companies have been forced to pay for these land grants?

"The acts of Congress granting the lands contained provisions which, in some cases, have compelled the companies to pay out in money more than the lands were worth, and the various States to which grants were made in trust for specified companies added other costly conditions.

"Two of the clauses that have proved most expensive to the railroads are as follows:

"In 1876 Congressman Holman, of Indiana, caused to be inserted in the appropriation bill the following clause:

"'Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this section.'

"Another provision that was in all the grants reads as follows:

"'The railroad accepting such grant shall be free from toll or other charge upon the transportation of any property or troops of the United States.'

"In addition to the mail pay deductions and the stipulation for transportation of property and troops of the United States, the State of Illinois inserted in the Illinois Central grant a clause under which that company must pay in perpetuity 7 per cent of the gross earnings of these charter lines into the State treasury in lieu of general taxes, which would be approximately 3 to 3½ per cent. Under the Federal valuation law proceedings these figures are obliged to be correctly stated, and the following is an official statement of these items as of the valuation date of June 30, 1915:

Excess State tax on operating revenues	$16,499,995.00
Mail pay deductions	1,569,292.37
Freight deductions	448,327.70
Deductions for handling troops, munitions of war, etc.	2,630,643.24
	21,148,258.31

"There is no doubting the significance of these figures. They are typical of the greater part of all the land grants.

"The value of the Illinois Central grant was $3,100,000, and up to June 30, 1915, it had cost the company in cash $21,148,258, and these charges against its revenues are to continue forever. Any business man would say that the Illinois Central would be in better shape financially to-day if, instead of accepting this land grant, it had borrowed the money and bought this $3,100,000 worth of land outright and owned it free from restrictions.

"Concerning one important feature of the situation Senator CHAMBERLAIN in his speech makes a most unfortunate misstatement. He says that the grants provided that the roads would carry Government troops and property and munitions of war free. They did not contain any such provision. The clause referred to reserved to the Government the right to use the railroad the same as it could use any other highway, but did not require the companies to hire employees and buy coal and provide cars for the free use of the Government. As the Senator states, this question was submitted to the Supreme Court, which only allowed 50 per cent as the necessary operating charge. It is now over 80 per cent.

"Because of this Supreme Court decision Senator CHAMBERLAIN denounces the railroads. He says: 'The railroad companies did not carry out their agreement, but repudiated the contract solemnly entered into.'

"They did carry out their agreement, and they did not repudiate their contract. The Senator from Oregon seems willing to ignore the decision of the Supreme Court in favor of the companies upon a question that was open to reasonable doubt, and to characterize the acceptance by the roads of that decision as a repudiation of contract, and yet claims to be fair-minded! He offers that decision of the Supreme Court, which was rendered 43 years ago, as a reason why he now opposes return of these properties to their owners.

THE IOWA LAND GRANTS.

"Next in agricultural value to the Illinois lands were the grants to the State of Iowa in 1856 in trust for four named companies, namely, the Burlington & Missouri River (now Chicago, Burlington & Quincy), the Mississippi & Missouri (now Rock Island), the Cedar Rapids & Missouri River (now Chicago & North Western), and the Dubuque & Sioux City (now Illinois Central).

"The table which the Senator from Oregon inserts in his remarks is not a correct statement of the acreage received by the companies. In the case of the Burlington road his table states the acreage as 389,990 acres, when, in fact, it was 358,424 acres, a discrepancy of nearly 10 per cent. The explanation is this:

"The grants were of the odd-numbered sections within 6 miles of the line of road as definitely located, with indemnity for shortages to be selected within 15 miles, but could only apply to the 'public lands' within the designated limits. No land to which any title or even a 'claim of right' in any other person existed at the date when the grant took effect was 'public' land, and therefore no such land passed to the railroad company. In the older Western States (Illinois, Iowa, and Missouri) a large part of the lands had been 'entered' or filed upon or settled under military bounty land warrants or under preemption certificates, so that, although by the general terms of the act the 'grant' to the Burlington road in Iowa was over 900,000 acres, it was never able to get over 358,400 acres. In many cases also where lands were actually patented to railroad companies they afterwards lost them through conflicts with prior Mexican grants, swamp-land grants, Indian and military reservations, and other deductions.

"Similar conditions as to value of lands and deductions made by the Government in consideration of the grants prevailed in Iowa as in Illinois, and in some cases in a more marked degree.

"Take as an illustration the case of the Burlington grant, with which I am personally familiar. That company received 358,424 acres in Iowa, which had been in the market for many years at $1.25 an acre, with no buyers. Speculators would not buy these lands because they could not be sold at a profit. Money in that country commanded 10 per cent, and in many cases as high as 1 per cent a month. To the speculator it was more profitable to lend his money than to buy land from the Government at $1.25 an acre. Settlers would not buy the land even under the very liberal provision of the preemption laws, because there was no market for their products. Instances were numerous in western Iowa of land selling at 70 cents an acre which had been entered at $1.25, because purchasers could not then make a living on the land. That same land now sells for $200 an acre, because New England capital built a railroad for them. Who received the chief profit in that case? The landowner and not the owners of the railroad. For years after the Burlington road was built its stock, which had been paid for at par, sold at 15 cents on the dollar and its 10 per cent bonds sold much below par, although it owned these lands as well as the railroad. The owners of the Burlington road could have taken $450,000 in money and bought every acre of that Iowa land grant. But how much money has the Government compelled it to pay back as the price of that grant? Up to the 1st day of October, 1916, the company had paid to the Government $2,209,000 as the 20 per cent deduction from its mail pay, pursuant to the Holman law of 1876. Exact figures are not available since October, 1916, when the so-called 'space basis' for carrying the mails was inaugurated, but this exaction is going on year after year! Hundreds of thousands of dollars are now being paid every year by these land-grant roads out of their mail pay because of the 'gift' which Congress presented to them in 1856.

"In the case of the Burlington Co. in the State of Iowa it has repaid to the Government in cash by these mail-pay deductions alone more than five times the full money value which the Government parted with in making the Iowa land grant.

"Besides this, in carrying the train loads of troops and munitions of war and Government property across the State of Iowa, during the 50 years since the road was completed from Burlington to Omaha, at half the lawful tariff rates that company has repaid several times over the value of every acre of land that was granted to it.

"There is another side to this particular feature that is often overlooked. Other railroads have been built across Iowa since the land-grant period, such as the Milwaukee & St. Paul and Great Western, which are, technically, not subject to the 50 per cent reductions in tariff, but, being in land-grant territory, the Government authorities force them to also make the cut rate as a condition of giving them any business. The result is a 50 per cent tariff throughout this whole region, whether the road received a land grant or not. It is common practice for the Government to enforce this 50 per cent reduction from the tariff along the entire line of a transcontinental road which has no land grant, such as the Rio Grande and Western Pacific, solely because the Northern Pacific had a land grant for its entire length!

"The discrimination thus forced upon western roads by the Government in both mail pay and traffic generally, in comparison with great eastern lines, like the New York Central and the Pennsylvania and New Haven, which had no 'gift' of lands, is a severe and costly discrimination, to which the Senator from Oregon might well have called attention in discussing the railroad land grants.

THE NEBRASKA GRANTS.

"In the case of the large grant made to the Burlington road in Nebraska the company sold thousands of acres of these lands at 25 cents per acre, but at the date of the grant it is extremely doubtful whether the entire grant could have been disposed of at $1 per acre, since the United States Government had probably not sold an acre of its land adjoining the lands covered by this grant at its standard price of $1.25 per acre, while at the same time many persons by the purchase of land scrip acquired title to some of the choicest Nebraska lands, more favorably located than one-half or more of this grant, at a cost of less than $1 per acre. In many counties wherein these lands are located no homesteads—at a total expense of $14 for 160 acres—were located until long after the date of this grant, and many of these counties were not "organized" until 1871 to 1873, years after the date of this grant.

THE NORTHERN PACIFIC GRANT.

"The Northern Pacific Railway was not completed until 20 years after its land grant was made, and since then it has gone through bankruptcy twice, notwithstanding its ownership of these lands and of its railroad. How much good did the original stockholders to whom the lands were given realize from the gift? And the same inquiry is pertinent as to the Union Pacific land grant and the grants made to the Rock Island, the Santa Fe, and other western roads that have been foreclosed. Prior to the actual construction of the Northern Pacific the settlement and development of the country was insignificant. There were no dwellings, much less towns, except in the vicinity of Army posts and mining camps and a small community on Puget Sound. The whole country, excepting Indian and military reservations, was open to homestead and other entry under the public-land laws, and the maximum charge by the United States for agricultural lands entered prior to the definite location of the road was $1.25 per acre. Generally speaking, the Indians were occupying the territory to the exclusion of others. Practically all the value the lands now have has resulted from the construction of the road.

"Seven-eighths of all the lands granted to the Northern Pacific Railway have now been sold, and the net receipts and uncollected deferred payments have produced for the company an average of $2.89 per acre, as officially reported.

THE UNION PACIFIC GRANT.

"Under date of November 11, 1919, the land commissioner of the Union Pacific Railway made the following estimate of the value of the lands covered by their grants at the time of the grants, namely:

"In Nebraska and Kansas, $1 an acre.

"In Colorado, 50 cents an acre.

"In Wyoming and Utah, 25 cents an acre.

SOUTHERN GRANTS.

"The table which the Senator from Oregon caused to be inserted in the RECORD shows railroad grants of acreage in Southern States as follows:

	Acres.
Mississippi	1,075,345
Alabama	2,746,560
Florida	2,216,980
Arkansas	2,562,095
Missouri	1,837,968

"Hon. E. B. Stahlman, of Nashville, before a congressional committee, when resisting an attempt to still further reduce the mail pay of the land-grant roads, stated under oath:

"'The land granted in Alabama consisted of hills and mountains not susceptible of cultivation. The Florida lands were sand hills thinly covered with small pine of little value. Of these the best have been sold at 70 cents per acre. The companies can not realize 25 cents per acre on what remains unsold. When the grants were made, their value could not have exceeded 12½ cents per acre. Lands of greater value were sold all through Florida and Alabama for that price.'

"Hon. W. A. McRae, now commissioner of agriculture for the State of Florida, wrote from Tallahassee under date of November 21, 1919:

"'It would be fair to assume that the bulk of the lands granted to Florida railroads brought them less than $1.25 per acre.'

"When account is taken of the taxes paid and commissions, advertising, and other costs of selling, Mr. Stahlman's estimate that the value which the Government contributed toward the construction of these southern roads did not exceed 12½ cents an acre does not seem far out of the way.

"The grant to the St. Louis & San Francisco Co. was for 1,668,000 acres in Missouri, and concerning its value the land commissioner says: 'Fifty per cent of this grant was wholly worthless; 30 per cent was fair, and similar lands sold for 25 cents per acre; the remaining 20 per cent were worth $1 per acre.'

"Concerning the Atlantic & Pacific grant, the vice president of that company says: 'The company sold 3,500,000 acres at 75 cents per acre, 1,058,560 acres at 50 cents per acre to a cattle company, and 259,000 acres at 70 cents per acre, an average of 87 cents per acre, or $4,670,000. The taxes and expense of selling the lands to date have been $622,000, the mail pay deductions $430,000, and large deductions on account of transportation of troops and munitions of war. The company would be glad to sell all the land it now owns or will receive at 25 cents per acre. There is no demand for it, and the truth is it can not be sold for any sum.'

TEXAS GRANTS.

"More lands, by far, were granted by the State of Texas to aid in the construction of railroads than by any other State, mainly because they had more to give.

"What was the value of these lands according to the views of Texans who are qualified to speak?

"Two of the largest grants in Texas were those made to the International & Great Northern (5,646,720 acres) and to the Gulf, Colorado & Santa Fe (3,554,560 acres).

"The International & Great Northern lands (12,800 acres per mile) were forced upon the railroad company in 1875, in place of bonds of $10,000 per mile which had been granted and were promised—that is, the company was compelled to accept the lands on a basis of 78 cents an acre. But this was an exceptionally valuable grant because the surveys were allowed to be made in solid bodies, and the lands were wholly exempt from all taxes for 25 years. They had to be located in the arid regions of Texas, and lands of better value were freely sold in those days at 10 cents an acre.

"The result of being compelled to accept these lands was that the International & Great Northern was forced into bankruptcy in 1876, and in those proceedings these lands were turned bodily over to the bondholders, and did not really contribute to the building of a mile of the road.

"The Gulf, Colorado & Santa Fe built 1,000 miles of railroad in Texas and received land certificates on the first 200 miles, amounting to 3,554,560 acres, which they sold for $246,677, less $35,508 expenses, the net proceeds being $211,168. The road was cheaply constructed and the proceeds of their land grant were sufficient to pay for the construction and equipment of 10 miles of the 1,000 miles, according to the statement of date December 10, 1919, by the Federal manager, Mr. F. G. Pettibone, well known all over Texas. This was not an improvident or unusual sale. The prevailing price of similar lands in Texas from 1878 to along in the eighties averaged from 10 to 12½ cents an acre. Over 32,000,000 acres were granted in Texas, with an out-

side selling value of $6,000,000, which would construct and equip about 150 miles of the present 15,740 miles in that State, or less than 1 per cent.

"The tables filed by the Senator from Oregon aggregate 124,000,000 acres, and if the swamp and other lands granted by States, including Texas, are added, the grand total is approximately 174,000,000 acres, which no reasonable man with knowledge of the facts would estimate as having a value, when granted, to exceed $174,000,000, of which the companies have already repaid at least one half in cash and are subject to perpetual charges which in time will more than equal the other half.

"That is equivalent to saying that all the lands granted to all railroads in the United States have not been equal in value to 1 per cent of the cost of the roads. The figures of the gross sales will, of course, aggregate a larger amount, but from these must be deducted taxes, commissions, and sale expenses, and this increased value is a value which the railroad has itself created.

"The history of land grants to railroads in this country has not yet been written. It was in the main a record of pioneering and risk, of financial struggles, disappointments, and loss. When that history is impartially written and the facts of each grant are disclosed it will probably be made clear that from the point of view of the public it was a wise and beneficent policy, the chief beneficiaries of which have been the fortunate farmers who bought the lands and improved them.

"The railroad companies were interested in getting the lands into the ownership of actual settlers who would cultivate them and create traffic for their roads, which was far better for the general good than to have them owned by speculators. There is no evidence that they did not act in good faith in promptly disposing of the lands and devoting the proceeds to the construction of the roads.

"Senator CHAMBERLAIN in speaking of these grants characterizes them as 'gifts.' Gifts of this character are made by the public, not because the givers love those to whom they are made, but to induce the recipients to do something for them. What was the motive behind these so-called gifts of land? It was to induce those to whom the lands were offered to risk their money in building railroads through uninhabited regions in order that the public might profit by their investment. Instead of making a gift the public received a full and adequate financial compensation in the building of the roads entirely aside from the actual repayments of cash that have been exacted.

"Discussion of this subject from the standpoint of statesmanship, to say nothing of common honesty, would take into consideration the state of the country and conditions in the West and all the motives which led to the adoption of the policy by Congress.

"Instead of such discussion it has been the practice for years by a certain class of politicians to bring out and reproduce at intervals this detailed list of the acreage granted to railroads by States and by companies, without stating values or the conditions of the grants, and then by innuendo and insinuation, and sometimes by direct assertion, seek to create in the public mind of the present day a belief that the railroads were largely built by these gifts of land.

"Those engaged like Mr. Plumb in a propaganda for gaining control of the railroad property of the country without the investment of a dollar and without the slightest responsibility for consequences may be expected to indulge in more or less reckless assertion, but such indulgence is not looked for in the Senate."

THE AMERICAN METAL CO.

Mr. CALDER. I submit a resolution requiring from the Alien Property Custodian certain information relative to the sale of the American Metal Co., and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 275) was read, as follows:

Whereas according to press reports, the Alien Property Custodian has recently sold 34,644 voting trust certificates of the American Metal Co. to a syndicate, the members of which apparently include persons connected with the former German owners of this company, and persons whose ownership of stock in such metal companies was declared by the Alien Property Custodian in his report published in February, 1919 (S. Doc. 435, 65th Cong., 3d sess.), to be a menace to the country: Therefore be it

Resolved, That the Alien Property Custodian is hereby directed to report to the Senate as soon as practicable:

First, the names of the purchasers of such certificates; the number of certificates purchased by each; and the relations, if any, of each purchaser to the former German owners of such American Metal Co.

Second, the reasons for and the circumstances surrounding the sale of a large portion of such voting trust certificates to L. Vogelstein, in view of the reference to such Vogelstein on pages 92 and 93 of the report of the Alien Property Custodian herein mentioned.

Third, the provisions of law, if any, authorizing, and the reasons for, the formation of a voting trust and the sale of voting trust certificates, in lieu of the sale of the shares of stock taken from the alien enemy holders thereof.

Fourth, all other pertinent facts in connection with the sale and transfer of such voting trust certificates, and the issuance and award of such certificates by the advisory committee.

Mr. WALSH of Montana. Mr. President, I ask that the preamble of the resolution be again read. I did not hear it all read.

The preamble was again read.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

CESSION OF THRACE TO GREECE.

Mr. KING. Mr. President, I offer the following resolution and ask that it lie upon the table. It relates to the cession of Thrace to Greece. There is a resolution before the Committee on Foreign Relations dealing with the same subject. I shall not ask consideration of the resolution or its reference to that committee pending some action by the Committee on Foreign Relations, but if the committee fails to act within a short time I shall then ask for consideration of the resolution which I now offer.

Mr. BRANDEGEE. The resolution will be printed in the RECORD if it is not to be read?

Mr. KING. I ask to have it printed in the RECORD.

The resolution (S. Res. 276) was ordered to lie on the table, as follows:

Whereas it is imperative for the peace of eastern Europe that the peace conference make a proper disposition of the territories surrendered by Turkey and Bulgaria and comprising the residue of Thrace extending from Kavalla along the coast of the Aegean Sea to the line of the Chatalja Hills behind Constantinople, reserving to the league of nations proper control of the fortifications which command the Dardanelles to insure the free navigation of the straits between the Aegean and the Black Seas; and

Whereas Thrace is racially and geographically a proper part of ancient Greece; and

Whereas the Greeks in the hundred years since their emancipation from the domination of the Turks and the establishment of the independent Kingdom of Greece have striven consistently for the redemption of Thrace from alien rule; and

Whereas it is now within the discretion of the allied and associated powers to satisfy the proper national aspirations of the Greeks with regard to Thrace; and

Whereas the requirements of Bulgaria for the accommodation of its maritime commerce at an Aegean port may be completely satisfied upon the same terms which the Greeks have accorded Serbian commerce in the port of Saloniki: Now therefore be it

Resolved, That it is the sense of the Senate that those parts of Thrace which have been surrendered by Bulgaria and Turkey to the principal allied and associated powers and extending to the line of Chatalja Hills, behind Constantinople, should be awarded by the peace conference to Greece and become incorporated in the Kingdom of Greece, proper control of the fortifications which command the Dardanelles being retained under the authority of the league of nations, and Greece being charged with the duty of granting to Bulgaria arrangements for the accommodation of Bulgarian commerce at an Aegean port, of a similar character to the commercial accommodations granted Serbia at Saloniki.

COAL CORPORATION TAXES.

Mr. JOHNSON of South Dakota. Mr. President, there is on the calendar Senate resolution 257, requesting the Secretary of the Treasury to furnish a statement relative to dividends paid by corporations engaged in the mining and production of coal within the United States for 1917 and 1918.

The Senator from Georgia [Mr. HARRIS] has introduced a resolution providing for practically the same thing. I should like to call up the resolution of the Senator from Georgia, S. Res. 247, requesting information from the Secretary of the Treasury relative to income and profits tax returned from coal corporations. The Senator from Utah [Mr. SMOOT] objected to its consideration the other day on the ground that it could not legally be done.

Mr. SMOOT. I have not changed my mind in that respect, and I shall object to the consideration of it at this time.

Mr. JOHNSON of South Dakota. Has the Senator from Utah considered the resolution of the Senator from Georgia?

Mr. SMOOT. I have considered it and shall object unless an amendment has been offered to it. I do not know whether it has or not, or whether the Senator from South Dakota is going to offer it now.

Mr. JOHNSON of South Dakota. The resolution will be offered as it lies on the desk, and I should like to have the Secretary read it.

Mr. SMOOT. I see no objection to the Secretary reading it, but I do object to its present consideration.

The VICE PRESIDENT. What is the use of reading it, then?

Mr. SMOOT. There is no use whatever, as I object to it.

The VICE PRESIDENT. Objection is made. Morning business is closed.

LAND GRANTS TO RAILROADS.

Mr. CHAMBERLAIN. Mr. President, I desire to make just a few observations, with the consent of the Senate, in reference to a statement which was printed in the RECORD while I was temporarily out of the Senate, presented by my friend, the Senator from Utah [Mr. KING]. It was a statement attached to a letter written by Mr. W. W. Baldwin, of Chicago, to the Senator from Utah, in reference to some remarks made by me some days ago regarding land grants to railroads. I desire that what I say now shall be printed in connection with the article in question.

Mr. President, the statement prepared by Mr. Baldwin, which was printed in the RECORD, I think unjustly criticizes what I had to say when the Cummins bill was up for consideration in reference to grants to railroads. In his opening statement he says:

> The remarks of Senator CHAMBERLAIN, of Oregon, in the Senate on Friday, December 19, 1919, contain so many mistakes of fact, and so many half truths, that they do not correctly represent the subject of land grants to railroads. The Senator himself is probably an unconscious victim of this misrepresentation because his speech consists largely of quotations from a publication called Encyclopedia of American Government.

That statement is not true, and I may say, for the benefit of Mr. Baldwin, that I think, coming from a public-land and land-grant State, as I do, I know just as much about the general situation as he does. I do not know anything about the books of his company and which he represented as land agent, but it is a well-known fact that while figures do not lie, liars will sometimes figure. I do not mean to charge that Mr. Baldwin has falsified anything, because my friend, the Senator from Utah [Mr. KING], says he is a highly honorable man; but I do know, and I charge, that in many instances railroad companies that had these immense grants have charged up anything they pleased against the moneys received from the land grants. It has constituted a sort of a slush account into which they might inject many charges that ought not to have been made against the proceeds of the land grants, and ought not to have been charged against the Government at all.

But the statement I resent in this publication of Mr. Baldwin is that I was unconsciously misled by the Encyclopedia of American Government. Mr. President, I expressly copied into the RECORD, not what this encyclopedia had to say about the number of acres and the amount of these several grants, but I made portions of the report of the Commissioner of the General Land Office a part of my remarks, and I not only did that, but I gave the page of the report where the matter was to be found, and stated:

> Mr. President, in support of what I have to say about that, I call attention to State grants that were made from 1850 to June 30, 1919, and I am referring now to the report of the Commissioner of the General Land Office to the Secretary of the Interior for the fiscal year ended June 30, 1919, so it is a recent report.

And I then quoted from the report just exactly what the Commissioner of the General Land Office had to say about these land grants.

That report brought the condition of the grants down to June 30, 1919, as I recall it now. In order further to convince Mr. Baldwin of the accuracy of my statements, I ask to have printed in the RECORD, as an appendix to my remarks, a statement showing the land grants made by Congress to aid in the construction of railroads, together with data relative thereto, compiled from the records of the General Land Office by order of the Secretary of the Interior and printed as a public document in 1915. I do not ask to have printed anything with reference to wagon roads, canals, or internal improvements mentioned therein, but all that bears upon railroad grants. I do that, Mr. President, for the purpose of showing not only the original grants but the extent of the indemnity limits, where, in addition to the specific grants, the railroad companies were permitted to select lands outside of the grant itself; the name of the grantee; the grantees of the States, which were in nearly every case, if not in all cases, railroad companies; subdivisions of grants and present owners; the date of the several acts; and additional legislation affecting these grants. That gives in minute detail everything that affects these grants down to 1915.

Mr. President, Mr. Baldwin in his statement says I was inconsistent in the observations I made, that the railroad companies ought to have sold these grants and at the same time insisting that if they had been properly husbanded the grants which were made to the companies would have built the roads. I made no such statement, as far as the first part of his statement is concerned, but I did say, and I repeat, that if these land grants had been properly handled, and the moneys properly accounted for, in many instances they would have completed the roads.

In this connection I want to refer again to the Oregon & California grant and the California & Oregon grant, where millions of acres were given for the construction of a road practically from Portland, Oreg., to San Francisco. Mr. President, the company violated expressly the terms of the grants in these cases. They were limited to sell in quantities of 160 acres of land to actual settlers at $2.50 per acre. They held those lands back from cultivation and settlement for many years, and when they went up in price they sold larger quantities than 160 acres to other than actual settlers, and in addition to that sold for prices per acre far in excess of the amount specified in the grant itself.

The railroad companies, under the management of Mr. Harriman, finally, as these timberlands commenced to soar skyward in value continued to hold these lands from any settlement and cultivation in violation of the terms of the grant, with the result that proceedings were instituted in the Legislature of Oregon and by the people of Oregon to have the grants forfeited, and later a suit was commenced in the Federal court of Oregon to forfeit the grants. The Supreme Court of the United States, while they did not forfeit the grant in terms, in effect authorized legislative action which might forfeit the grant, reserving only to the railroad companies the price of $2.50 per acre; and Congress did, in 1908 or 1909, enact laws which forfeited the grants, and the lands are now restored to the people of the country and are being sold under rules and regulations provided by the Secretary of the Interior under the act of Congress.

I do not know, Mr. President, that I care to enter into a lengthy discussion of the statement of Mr. Baldwin. I simply wanted to say that he is entirely mistaken when he said I relied upon any encyclopedia for the information submitted by me in my remarks a few days ago. I relied upon the reports of the Federal Government—upon the reports of the Commissioner of the General Land Office. I repeat that the statements I made then were correct, and I now desire to duplicate that statement by printing in the RECORD, as an appendix to those remarks, another statement by another branch of the Government to show just exactly what these grants were and what subsequent legislation was had in regard thereto.

Mr. President, I desire to say in conclusion that many of the roads agreed to carry Federal troops and munitions of war under varying arrangements. I may have stated it a little too broadly if I said they agreed to carry them for nothing. In some instances the railroad companies have come back to Congress and asked for relief from the very terms of the grant under which they took those lands, and the Congress has sometimes afforded them relief. Relief has been asked within the last three or four years, to my certain knowledge. I refer particularly to chapter 209, Thirty-sixth Statutes at Large, pages 1037 and 1050, where it is provided amongst other things as follows:

> *Provided further,* That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

I ask to have printed as an appendix to my remarks a statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal improvements, together with data relative thereto, compiled from the records of the General Land Office by order of the Secretary of the Interior.

The VICE PRESIDENT. Without objection, it is so ordered.

The appendix referred to follows:

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
1	Sept. 20, 1850	9	466	From the southern terminus of the Illinois and Michigan Canal to a pont at or near the junction of the Ohio and Mississippi Rivers with a branch of the same to Chicago, on Lake Michigan, and another via Galena to Dubuque, in the State of Iowa.	Even sections within 6 miles of road.	Fifteen miles on each side of road. Even sections.	State of Illinois.	Illinois Central R. R. Co.	Illinois Central R. R. Co.	Aug. 2, 1852	10	27	For protection of settlers along line of road.
2	Sept. 20, 1850	9	466	From the mouth of the Ohio River to the city of Mobile.	.....do.....	Same. State elected to take indemnity from *odd* sections.	State of Mississippi, so far as road is in said State.	Mobile and Ohio R. R. Co.	Mobile and Ohio R. R. Co.	Mar. 3, 1849	9	772	Granting right of way.
										Aug. 2, 1852	10	27	For protection of settlers along line of road.
										Feb. 18, 1859	11	384	Confirming transfer from State to company and extending time for completion of road.
3	Sept. 20, 1850	9	466	.....do.....	.....do.....	Same. Odd sections as above.	State of Alabama, so far as road is in said State.	.....do.....	.....do.....	Mar. 3, 1849	9	772	Granting right of way.
										Aug. 2, 1852	10	27	For protection of settlers.
										Feb. 18, 1859	11	384	Confirming transfer and extending time for completion.
4	June 10, 1852	10	8	From Hannibal to Saint Joseph.	.....do.....	.....do.....	State of Missouri.	Hannibal and Saint Joseph R. R. Co.	Hannibal and Saint Joseph R. R. Co.	.....	.....	.....	.....
5	June 10, 1852	10	8	From Saint Louis to such point on the western boundary of the State as may be designated by the authorities of the State. Located via Springfield.	.....do.....	Even sections within 15 miles of road.	.....do.....	Pacific R. R. Co.	From Pacific, Mo., to State line, to the Saint Louis and San Francisco Rwy. Co. From Saint Louis to Pacific, Mo., to the Missouri Pacific Rwy. Co.	June 5, 1862	12	422	Extending time for completion of of road.
6	Feb. 9, 1853	10	155	From a point on the Mississippi River opposite the mouth of the Ohio River, in the State of Missouri, via Little Rock, to the Texas boundary near Fulton, in Arkansas, with branches from Little Rock to the Mississippi River and to Fort Smith, in Arkansas.	.....do.....	Fifteen miles on each side of road. States elected to take odd sections.	States of Missouri and Arkansas, respectively.	Cairo and Fulton R. R. Co.	From mouth of Ohio River, in Missouri, to Texas boundary at Texarkana, Ark., to Cairo and Fulton R. R. Co., now Saint Louis, Iron Mountain and Southern Rwy. Co.	Mar. 3, 1869	15	349	Extending time for completion of first 20 miles.
										May 6, 1870	16	376	.....do.....
								Little Rock and Fort Smith Rwy. Co.	From Little Rock to Fort Smith, Ark., to Little Rock and Fort Smith Rwy. Co.	Apr. 10, 1869	16	46	Extending time and providing that lands shall be sold to settlers at a price not exceeding $2.50 per acre.
										Mar. 8, 1870	16	76	Repealing proviso to act of Apr. 10, 1869.
								Memphis and Little Rock R. R. Co.	From Little Rock to Mississippi River, opposite Memphis, Tenn., to Memphis and Little Rock R. R. Co.	.....	.....	.....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks
Feb. 14, 1852.	Sept. 20, 1850. All lands within limits.	Aug. and Sept., 1852.	Public notice, by order of Commissioner of General Land Office.	Adjusted and closed.	2,595,133.00	2,595,133.00	707.73	707.73	None.	None.	None.	From Cairo to East Dubuque and from Centralia to Chicago, Ill. (See opinion of Attorney-General, Mar. 10, 185?, relative to extent of grant and location of Chicago branch, 5 Opin., 518.)
Nov. 18, 1851, from Alabama line to Tibby Creek. Jan 31, 1853, from Tibby Creek to Tennessee State line.	Sept. 20, 1850. All lands within limits. None. Indian lands.	Sept., 1853...	.....do.....	.....do.....	737,130.29	a 737,130.29	493	493	None.	None.	None.	From Mobile, Ala., to Cairo, Ill. Entire road held to be subject to obligations of grant, although grant of lands is confined to States of Alabama and Mississippi. (See opinions of Attorney-General, Aug. 17, 1852, 5 Opin., 603; and Nov. 21, 1871, 13 Opin., 536.)
Aug. 28, 1849, from Chestang's boundary to Mississippi State line. Map filed under act of Mar. 3, 1849. July 10, 1852, from Chestang's boundary to south boundary of Mobile.	Sept. 20, 1850. All lands within limits.	Sept., 1853...	.....do.....	.....do.....	419,528.44	419,528.44	.....	.....	.....	.....	.....	In the adjustment of this grant the road was treated as an entirety and without reference to the State line. Hence Alabama has had approved to her more and Mississippi less than they would appear to be entitled to in proportion to the length of the road in the respective States.
June 10, 1853. Jan. 3, 1854.	June 11, 1852. All lands within limits.	Grant adjusted in 1854.	.....	.....do.....	778,550.04	611,323.35	206	206	None.	None.	None.	From Hannibal to Saint Joseph, Mo.
Nov. 25, 1853.	June 11, 1852. All lands within limits.	Aug. and Sept., 1854.	By order of Commissioner of General Land Office, See notice No. 517.	.....do.....	1,159,080.33	1,161,284.51	241	241	None.	None.	None.	The mileage here given covers the road from Saint Louis to Springfield only, the portion between Springfield and the State line being reported as a part of Atlantic and Pacific R. R.
Aug. 11, 1855, in Arkansas Feb. 16, 1857, in Missouri.	May 19, 1853, under act of 1853; Sept. 6, 1853, and Jan. 23, 1854. June 13, 1867, Arkansas; May 17, 1870, Missouri, under act of 1866.	Aug. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	[1] 500,384.44 [2] 1,946,112.00	[1] 65,120.31 [2] 1,325,355.43	394	394.5	None.	None.	None.	From Bird's Point, Mo., opposite mouth of Ohio River, via Little Rock, to Texarkana, Ark.
Aug. 13, 1855.	May 19, 1853, act 1853; Mar. 14, 1868, act 1866.	Mar. 21, 1883.	By order of Commissioner of General Land Office.	Adjusted and closed.	1,052,082.51	1,052,082.51	165.16	165.16	None.	None.	None.	Little Rock and Fort Smith R. R., from Argenta, opposite Little Rock, to Fort Smith, Ark.
Aug 18, 1855.	May 19, 1853, act 1853; Mar. 14, 1868, act 1866.	Withdrawal never revoked; but little or no vacant lands within limits of grant.	.....	Practically adjusted, but not closed.	838,400.00	184,657.33	131	131	None.	None.	None.	Memphis and Little Rock R. R., from Argenta to Mississippi River, opposite Memphis, Tenn.

[1] Missouri. [2] Arkansas.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
6	July 28, 1866	14	338	Same	Odd sections within 5 miles of lands granted by act of 1853.	Odd sections within 20 miles of road.	States of Missouri and Arkansas, respectively.			June 2, 1864	13	95	Increasing indemnity limits to 20 miles and extending right of selection to even sections.
7	May 15, 1856	11	9	From Burlington on the Mississippi River, to a point on the Missouri River near the mouth of the Platte River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Extended to 20 miles by act of June 2, 1864.	State of Iowa	Burlington and Missouri River R. R. Co.	No subdivision. Present owner, Chicago, Burlington and Quincy R. R. Co.	July 1, 1864	13	335	Authorizing change in location of road; no change in location of grant.
										Mar. 3, 1865	13	526	Extending time for completion.
										Mar. 3, 1865	13	573	....do....
										Feb. 10, 1866	14	349	....do....
8	May 15, 1856	11	9	From Davenport, via Iowa City and Fort Des Moines, to Council Bluffs.	....do....	Fifteen miles on each side of road. See act June 2, 1864, extending limits to 20 miles.	....do....	Mississippi and Missouri R. R. Co.	No subdivision. Present owner, Chicago, Rock Island and Pacific Rwy. Co.	June 2, 1864	13	95	Authorizing relocation of uncompleted portion of road, and providing that grant be taken along new location within 20 miles.
										Mar. 3, 1865	13	526	Extending time for completion.
										Jan. 31, 1873	17	421	Confirming adjustment made by General Land Office.
										June 15, 1878	20	133	Directing restoration of vacant lands falling outside 20-mile limits of grant as relocated under act of June 2, 1864.
9	May 15, 1856	11	9	From Lyons City northwesterly to a point of intersection with the Iowa Central Air Line R. R., near Maquoketa, thence on said line, running as near as practicable to the 42d parallel, across the State to the Missouri River.	....do....	....do....	....do....	Iowa Central Air Line R. R.	Grant west of Cedar Rapids granted to the Cedar Rapids and Missouri River R. R. Co. Lands now owned by Iowa R. R. Land Co. Road operated by Chicago and North western Rwy. Co.	June 2, 1864	13	95	Releasing State from obligation to construct road east of Cedar Rapids; authorizing relocation of uncompleted portion west of that point, so as to connect with the Iowa branch of the Union Pacific R. R., (the eastern terminus of which was at Council Bluffs), and extending right of selection to *even* sections within 15 miles of original line, and to *all* lands within 20 miles of new line. For construction of this act, see Cedar Rapids and Missouri River R. R. Co. v. Herring (110 U. S., 27).
										Mar. 3, 1865	13	526	Extending time for completion.
10	May 15, 1856	11	9	From Dubuque to a point on the Missouri River near Sioux City, with a branch from the mouth of the Tete Des Morts to the nearest point on said road.	....do....	Fifteen miles on each side of road.	....do....	Dubuque and Pacific R. R. Co.	Dubuque to range 36 W. to Dubuque and Sioux City R. R. Co. Range 36 W. to Sioux City, to the Iowa Falls and Sioux City R. R. Co. Entire road operated by Illinois Central R. R. Co. Tete Des Morts Branch, to the Dubuque, Bellevue and Mississippi R. R. Co. Branch now operated by Chicago, Milwaukee and Saint Paul Rwy. Co.	June 2, 1864	13	95	Authorizing relocation of road west of Fort Dodge; not to change location of grant.
										Mar. 3, 1865	13	526	Extending time for completion.
										Mar. 2, 1868	15	38	....do....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Apr. 7, 1857..	May 10, 1856; June 16, 1864; and June 7, 1865. All lands within limits.	Dec. 15, 1887.	By order of Secretary of Interior.	Adjusted and closed.	1,046,062.73	389,930.11	279.98	279.98	None.	None.	None.	From Burlington to East Plattsmouth, Iowa.
Apr. 1, 1857, under act of 1856.	May 10, 1856; June 16, 1864; and June 7, 1865. All lands within 20 miles of original location.	Sept. 9, 1879.	By order of Commissioner of General Land Office, issued in accordance with act of June 15, 1878.	.....do.....	1,228,525.96	[1] 644,747.17	317.75	317.75	None.	None.	None.	From Davenport to Council Bluffs, Iowa. (See decision of Supreme Court in case of Grinnell v. R. R. Co., 103 U. S., 739.)
Jan. 11, 1870, relocation under act of 1864.	.....	Dec. 15, 1887.	By order of Secretary of the Interior.									
June 15, 1857, under act of 1856.	May 10, 1856; June 16, 1864; June 7, 1865; and June 12, 1875. All lands within 15 miles of original and 20 miles of new location.	May 22, 1891.	.....do.....	Practically adjusted, but not closed.	1,025,795.67	[1] 1,166,817.81	274.2	271.6	None.	None.	None.	From Cedar Rapids to Council Bluffs Iowa.
Dec. 19, 1867, relocation under act of 1864.								2.6	None.	None.	None.	Lyons branch, from Lyons to Clinton, Iowa.
Oct. 11, 1856.	May 10, 1856; Oct. 20, 1856; Oct. 22, 1856; and June 16, 1864. All lands within limits.	Dec. 15, 1887.	.....do.....	Adjusted and closed.	1,207,145.51	[1] 1,239,464.088	326.58	326.58	None.	None.	None.	Main line, from Dubuque to Sioux City, Iowa.
							10.178	10.78	None.	None.	None.	Tete Des Morts Branch, from the mouth of Tete Des Morts River to the main line near Dubuque.

[1] Includes 35,685.49 acres of the Chicago, Rock Island and Pacific R. R., 103,755.85 acres of the Cedar Rapids and Missouri River R. R., and 77,535.22 acres of the Dubuque and Sioux City R. R. situated in the old Des Moines River grant of August 8, 1846, which should be deducted from the foregoing amounts. (Wolcott v. Des Moines Co., 5 Wall. 631.)

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
11	May 17, 1856	11	15	From the Saint Johns River, at Jacksonville, to the waters of Escambia Bay, at or near Pensacola.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Florida.	Florida, Atlantic and Gulf Central R. R. Co. Pensacola and Georgia R.R. Co.	Jacksonville to Lake City. Lake City to Pensacola. This portion of the grant was again divided in 1881, the portion extending from the Apalachicola River to Pensacola being conferred by the State upon the Pensacola and Atlantic R. R. Co., now Louisville and Nashville R. R. The road and, presumably, the grant from Jacksonville to the Apalachicola River, is now owned by the Florida Rwy. and Navigation Co., now part of Seaboard Air Line.	.....	...	....	NOTE.—Notwithstanding the division made by the State, this grant was, after full consideration, treated as a single grant, and the lands certified accordingly.
12	May 17, 1856	11	15	From Amelia Island (Fernandina), on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Keys, on the Gulf of Mexico.	.....do.....	.....do.....	.....do.....	Florida R. R. Co., which, by change of name, became the Atlantic, Gulf and West India Transit Co.	No subdivision. Present owner, Florida Central and Peninsular R. R. Co.	.....	...	....	.....
13	May 17, 1856	11	15	From Pensacola to the State line of Alabama, in the direction of Montgomery.	.....do.....	.....do.....	.....do.....	Florida and Alabama R. R. Co., of Florida.	No subdivision. No change of ownership known to this office. Road operated by Louisville and Nashville R. R. Co.	.....	...	....	.....
14	May 17, 1856	11	15	From Montgomery to the boundary line between Florida and Alabama, in the direction of Pensacola, to connect with the road from Pensacola to said line.	.....do.....	.....do.....	State of Alabama.	Alabama and Florida R. R. Co., of Alabama.	No subdivision. Present owner, Mobile and Montgomery Rwy. Co.	.....	...	....	.....
15	June 3, 1856	11	17	From the Tennessee River, at or near Gunter's Landing, to Gadsden, on the Coosa River.	Odd-numbered sections within 6 miles of road.	.....do.....	.....do.....	Tennessee and Coosa R. R. Co.	No subdivision. Present owner, the grantee of the State.	Sept. 29, 1890 Mar. 3, 1903 Mar. 4, 1907	26 32 34	496 1222 1408	Forfeiting uncompleted portion of grant. Providing for an exchange of lands between settlers and the company or its vendees. .....do.....
16	June 3, 1856	11	17	From Gadsden to connect with the Georgia and Tennessee, and Tennessee line of railroads, through Chattooga, Wills, and Lookout Valleys.	.....do.....	.....do.....	.....do.....	Coosa and Chattooga R. R. Co.	From Gadsden, through Chattooga Valley, to Georgia State line. No company claiming grant is known to General Land Office.	Apr. 10, 1869 Sept. 29, 1890	16 26	45 496	Reviving grant and extending time for completion of road. Forfeiting entire grant.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Aug. 17, 1857. Aug. 17, 1857, from Lake City to Tallahassee. May 10, 1858, from Tallahassee to Pensacola.	May 17, 1856; May 23, 1856. All lands within limits.	Jan. 17, 1888, from Jacksonville to Apalachicola River. Aug. 15, 1857, from Apalachicola River to Pensacola.	By order of Secretary of the Interior. ....do.....	Adjusted and closed. ....do.....	1,315,496.22	1,308,620.88	370	189	181	181	None.	Completed from Jacksonville to Lake City, 59 miles, and from thence to Quincy, 130 miles additional within time prescribed by granting act. Completed from Quincy to Apalachicola River, 20 miles, in 1873, and thence to Pensacola, 161 miles, in 1883. Adjusted as one grant.
Sept. 22, 1857, from Fernandina to Waldo, and thence to Cedar Keys.	May 17, 1856; July 8, 1856; and Sept. 6, 1856.	Aug. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	1,034,279.72	731,711.77	237.65	85	152.65	152.65	None.	Completed from Fernandina to Waldo within time prescribed, and from Waldo to Tampa after that time.
Dec. 14, 1860, from Waldo to Tampa.	Sept. 6, 1856; Apr. 25, 1857; and Mar. 16, 1881. All lands within limits.	.....	.....	.....	.....	.....	70	70	None.	None.	None.	Cedar Keys branch, from Waldo to Cedar Keys.
Aug. 13, 1856.	June 9, 1856. All lands within limits.	Dec. 15, 1887.	....do.....	Adjusted and closed.	147,942.81	166,691.08	44	44	None.	None.	None.	From Pensacola, Fla. to Flomaton, Ala.
Sept. 18, 1856.	May 17, 1856; February 13, 1857. All lands within limits.	Dec. 15, 1887.	....do.....	....do.....	439,972.58	399,022.84	119	119	None.	None.	None.	From Montgomery to Flomaton, Ala.
Jan. 18, 1859.	June 19, 1856; Feb. 13, 1857. All lands within 15-mile limits.	Aug. 15, 1887.	....do.....	Practically adjusted, but not closed.	96,033.12	67,784.96	36.05	None.	10.22	36.05	25.83	From Gadsden to Guntersville, Ala.
Sept. 20, 1858.	June 19, 1856; Feb. 13, 1857. All lands within 15-mile limits.	No withdrawal of indemnity lands has been recognized since the war of 1861.	.....	Not earned..	.....	None.	37.5	None.	None.	37.5	37.5	From Gadsden to Georgia State line.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
16	.....	...	...	.....	.....	.....	.....	Wills Valley R. R. Co	From Gadsden, through Wills and Lookout Valleys, to Wauhatchie, Tenn. Present owner, the Alabama and Chattanooga R.R. Co.				
17	June 3, 1856	11	17	From near Gadsden to some point on the Alabama and Mississippi State line in the direction of the Mobile and Ohio R. R.	Odd-numbered sections within 6 miles of road.	Fifteen miles on each side of road.	State of Alabama.	Northeast and Southwestern R. R. Co.	No subdivision. Present owner, the Alabama and Chattanooga R.R. Co.	Apr. 10, 1869	16	45	Reviving grant and extending time for completion of road.
18	June 3, 1856	11	17	From Girard to Mobile, Ala.	.....do.....	.....do.....	.....do.....	Mobile and Girard R. R. Co.	No subdivision. Present owner, the grantee of the State.	Sept. 29, 1890	26	496	Forfeiting grant between Troy and Mobile, Ala.
										Mar. 3, 1903	32	1222	Providing for an exchange of lands between the company, or its vendees, and settlers.
										Feb. 24, 1905	33	813	.....do.....
										Mar. 4, 1907	34	1408	.....do.....
19	June 3, 1856	11	17	From Montgomery, Ala., to some point on the Alabama and Tennessee State line, in the direction of Nashville, Tenn.	.....do.....	.....do.....	.....do.....	Tennessee and Alabama Central R. R. Co.	No subdivision. Present owner, the South and North Alabama R. R. Co.	Mar. 3, 1857	11	200	Amending act of June 3, 1856, as to name of company.
										Mar. 3, 1871	16	580	Reviving grant and extending time for completion of road.
20	June 3, 1856	11	17	From Selma to Gadsden, Ala.	.....do.....	.....do.....	.....do.....	Alabama and Tennessee Rivers R. R. Co.	No subdivision. Present owner, the Selma, Rome and Dalton R. R. Co.	May 23, 1872	17	159	Confirming to State lands theretofore certified, and granting right of way.
										Sept. 29, 1890	26	496	Forfeiting grant between Jacksonville and Gadsden, Ala.
21	June 3, 1856	11	21	From Little Bay de Noquet to Marquette, Mich.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Michigan.	Bay de Noquet and Marquette R. R. Co.	No subdivision. Present owner, Marquette, Houghton and Ontonagon R.R. Co.	.....	...	....	NOTE.—The act of Mar. 3, 1865, provided that this company should receive lands for only 20 miles of road, viz, 200 sections; and that said lands should not be selected east of the line between ranges 26 and 27 west or south of the line between townships 47 and 48 north.
21a	Mar. 3, 1865	13	520	Twenty miles westerly from Marquette, Mich.	Four additional sections per mile.	Twenty miles.	.....do.....	.....do.....	.....do.....	.....	...	....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Nov. 29, 1858	June 19, 1856; Feb. 13, 1857. All lands within 15 mile limit.	Aug. 15, 1887	By order of Secretary of the Interior.	Practically adjusted, but not closed.	832,693.62	653,888.76	272	272	None.	None.	None.	From Mississippi State line, near Meridian, to Wauhatchie, Tenn. Company received lands for road in Alabama only. The Wills Valley portion of this grant was adjusted separately and has been closed.
June 1, 1858..	....do.....	Aug. 15, 1887.	....do.....	Adjusted and closed.	302,181.16	302,181.16	223.6	54	30	169.6	139.6	Completed from Girard to Union Springs, Ala., within the time required, and from Union Springs to Troy after that time. Unconstructed from Troy to Mobile. In this connection see certificate of governor of Alabama, dated March 20, 1884, relative to construction of a railroad from Pollard to Mobile, 63 miles, by the Mobile and Great Northern R. R. Co., here reported as unconstructed.
May 30, 1866, from Decatur to Calera. July 26, 1871, from Montgomery to Calera.	June 19, 1856; Feb. 13, 1857; and Jan. 7, 1869; Sept. 26, 1866; and Apr. 27, 1871. All lands within 15-mile limits.	Dec. 15, 1887.	....do.....	Practically adjusted, but not closed.	594,689.60	445,438.43	183	183	None.	None.	None.	From Montgomery to Decatur. No action appears to have been taken by the company under the grant between Decatur and the State line of Tennessee. No road was located between said points, and no lands are withdrawn therefor.
Mar. 27, 1858.	June 19, 1856, and Feb. 13, 1857. All lands within 15-mile limits.	Dec. 15, 1887.	....do.....	....do.....	508,620.33	458,555.82	167.35	100	43.93	67.35	23.42	Completed from Selma to a point about 9 miles west of Talladega within the time required, and from thence to Jacksonville after that time. Uncompleted from Jacksonville to Gadsden.
Dec. 17, 1857.	May 30, 1856, under act of June 3, 1856. No withdrawal under act of 1865. Selections made within limits of Marquette, Houghton and Ontonagon grant.	Sept. 12, 1879, of lands withdrawn under act of 1856 not covered by grant of 1865.	....do.....	Adjusted and closed.	128,000.00	128,301.05	20	20	None.	None.	None.	From Marquette to a point 20 miles southwest thereof.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but no increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
										June 18, 1864	13	137	Extending time for completion of road.
										June 18, 1864	13	409	Explaining act extending time for completion of road.
										May 20, 1868	15	252	Extending time for completion of road.
22	June 3, 1856	11	21	From Marquette to Ontonagon, Mich.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Michigan.	Marquette and Ontonagon Rwy. Co.	No subdivision. Present owner, Marquette, Houghton and Ontonagon R. R. Co.	Apr. 20, 1871	17	643	Authorizing resurvey and new location of that part of the line between Marquette and Ontonagon. No change in location of grant.
22a	Mar. 3, 1865	13	520	....do.....	Four additional sections per mile.	Twenty miles.	....do.....	....do.....					
										Mar. 2, 1889	25	1008	Forfeiting grant between L'Anse and Ontonagon, Mich.
23	June 3, 1856	11	21	From Ontonagon, Mich., to the Wisconsin State line.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Ontonagon and State Line R. R. Co.	No subdivision. Present owner, Ontonagon and Brulé River R. R. Co.	Mar. 2, 1889	25	1008	Forfeiting uncompleted portion of grant.
24	June 3, 1856	11	21	From Marquette, Mich., to the Wisconsin State line.	.....do.....	.....do.....	.....do.....	Marquette and State Line R. R. Co., afterwards known as the Chicago, Saint Paul and Fond du Lac R. R. Co.	No subdivisions. Present owner, Chicago and Northwestern Rwy. Co.	July 5, 1862	12	620	Authorizing State to relocate road so as to reach State line at mouth of the Menominee River; to surrender lands received along original location and select other lands along new location.
24a	Mar. 3, 1865	13	520	From Marquette, Mich., to the Wisconsin State line at the mouth of the Menominee River.	Four additional sections per mile.	Twenty miles.	.....do.....	Peninsula R. R. Co.	.....do.....	May 20, 1868	15	252	Extending time for completion.
										May 23, 1872	17	160	Authorizing relocation of road. Change of road not to change location of grant.
25	June 3, 1856	11	21	From Amboy, by Hillsdale and Lansing, to some point on or near Traverse Bay.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Amboy, Lansing and Traverse Bay R. R. Co.	Lansing to Traverse Bay, owned by the Jackson, Lansing and Saginaw R. R. Co. From Amboy to Lansing, owned by Northern Central Michigan R. R. Co.	July 3, 1866	14	78	Reviving grant extending time for completion, and providing that no lands shall be applied to construction of road south of Owosso until road north of that point has been completed and lands patented.
										Mar. 2, 1867	14	425	Extending time for completion.
										Mar. 3, 1871	16	586	Authorizing company to change northern terminus of its road to the Straits of Mackinaw; change in location of road not to change location of grant.
										Sept. 29, 1890	26	496	Forfeiting grant between Jonesville and Amboy, Mich.
26	June 3, 1856	11	21	From Grand Rapids to some point on or near Traverse Bay.	.....do.....	.....do.....	.....do.....	Grand Rapids and Indiana R. R. Co.	No subdivision. No change in ownership.	Mar. 3, 1865	13	530	Extending time for completion.

Improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 14, 1859	May 30, 1856; Apr. 28, 1865. All lands within limits.	Aug. 15, 1887	By order of Secretary of the Interior.	Practically adjusted, but not closed.	305,929.59	305,929.59	96	45.26	None.	50.74	50.74	Completed from a point on Bay de Noquet and Marquette R. R., in Sec. 16, T. 47 N., R. 27 W. to L'Anse within time required. Uncompleted from L'Anse to Ontonagon.
Nov. 30, 1857.	May 30, 1856. All lands within limits.	June 15, 1868.	By order of the Commissioner of the General Land Office.	Adjusted and closed.	35,679.79	34,227.08	75	None.	20	75	55	Completed from Ontonagon to a point near Rockland. Not constructed from Rockland to Wisconsin State line.
Nov. 30, 1857, under act of 1856.	May 30, 1856.	June 15, 1868.	....do.....	.....	.....	.....	.....	.....	.....	.....	.....	
Jan. 11, 1865. Relocation under joint resolution of 1862.	Jan. 16, 1865; May 26, 1865. All lands in limits.	Dec. 15, 1887.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	680,033.37	518,065.36	125.2	125.2	None.	None.	None.	From Wisconsin-State line, near mouth of Menominee River, to junction with Marquette, Houghton and Ontonagon R. R., at Negaunee, 12.1 miles west of Marquette.
Oct. 23, 1858.	May 30, 1856. All lands within limits.	Dec. 15, 1887.	....do.....	....do.....	1,053,138.67	743,787.58	261.37	188.10	73.27	73.27	None.	Jackson, Lansing and Saginaw R. R. completed from Lansing to a point in section 20, township 29 north, range 3 west, within time required, and from point last named to Mackinaw City, on the Straits of Mackinaw, after that time.
							80	None.	60	80	20	Northern Central Michigan R. R. completed from Lansing to Jonesville; uncompleted from Jonesville to Amboy.
Dec. 2, 1857, from Grand Rapids to Traverse Bay; May 22, 1866, from Fort Wayne, Ind., to Grand Rapids, Mich.	May 30, 1856, all lands within 15 miles from Grand Rapids north; Oct. 23, 1866, all lands within 20 miles within State of Michigan.	Dec. 15, 1887.	....do.....	....do.....	954,373.83	852,521.10	333	333	None.	None.	None.	From Fort Wayne, Ind., to Petoskey, Mich. Received lands in Michigan only.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extant of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
26a	June 7, 1864	13	119	Amends act of June 3, 1855, so that same shall read "From Fort Wayne, in the State of Indiana, to a point on the southern boundary line of the State of Michigan, thence by way of Grand Rapids to some point on or near Traverse Bay."	.....	Twenty miles.	State of Michigan.	Grand Rapids and Indiana R. R. Co.	.....	.....	.....	.....	.....
27	June 3, 1856	11	21	From Grand Haven to Flint and thence to Port Huron.	Odd sections within 6 miles of road.	Fifteen miles on each side of road; odd sections.	.....do.....	Detroit and Milwaukee R. R. Co.	From Grand Haven to Owosso.	Mar. 3, 1879	20	490	Releasing reversionary interest of the United States in and to the lands certified.
								Port Huron and Milwaukee R. R. Co.	From Owosso to Port Huron. The present owner of the lands certified for both of above roads is the Port Huron and Lake Michigan R. R. Co.	Mar. 3, 1879	20	190	.....do.....
28	June 3, 1856	11	21	From Pere Marquette (Ludington) to Flint.	.....do.....	.....do.....	.....do.....	Flint and Pere Marquette R. R. Co.	No subdivisions. No change of ownership.	Feb. 17, 1865	13	569	Extending time for completion.
										July 3, 1866	14	78	**Authorizing change in location of road without prejudice to land grant.**
										Mar. 3, 1871	16	582	Extending time for completion.
29	June 3, 1856	11	20	From Madison or Columbus, by way of Portage City, to the Saint Croix River or Lake, between townships 25 and 31, and thence to the west end of Lake Superior and to Bayfield.	Odd sections within 6 miles on each side of road.	Odd sections within 15 miles of road.	State of Wisconsin.	La Crosse and Milwaukee R. R. Co.	Between Madison and Portage to Madison and Portage R. R. Co. Between Portage and Tomah to Wisconsin Railroad Farm Mortgage Land Company.	July 27, 1868	15	238	Authorizing the State to dispose of the lands granted and which may have inured for the benefit of the Wisconsin Railroad Farm Mortgage Land Company.
29a	May 5, 1864	13	66	From Tomah to Saint Croix River or Lake between townships 25 and 31.	Odd sections within 10 miles of road deducting lands granted by act of 1856.	Odd sections within 20 miles of road.	.....do.....	Tomah and Lake Saint Croix R. R. Co.	Between Tomah and Lake Saint Croix to the Tomah and Lake Saint Croix R. R. Co., afterwards West Wisconsin Rwy. Co., now Chicago, Saint Paul, Minneapolis and Omaha Rwy. Co.	July 13, 1868	15	257	Extending time for completion.
										Mar. 3, 1873	17	634	To quiet title of settlers on lands claimed by West Wisconsin Rwy. Co.
29b	May 5, 1864	13	66	From Saint Croix River or Lake, between townships 25 and 31, to the west end of Lake Superior, and from some point on said road to Bayfield.	.....do.....	.....do.....	.....do.....	Saint Croix and Lake Superior R. R. Co.	Between Saint Croix Lake and the west end of Lake Superior (Superior City) and Bayfield to the Saint Croix and Lake Superior R. R. Co., so much of this grant as lies between Saint Croix Lake and Bayfield was granted by the State (act Mar. 4, 1874) to the North Wisconsin Rwy. Co. and the portion	.....	.....	.....	.....

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 5, 1858	May 30, 1856. All lands within limits.	July 31, 1882.	By order of the Secretary of the Interior.	Adjusted and closed.	37,467.44	37,467.44	200.05	140.05	60	60	None.	With the exception of 60 miles lying between Port Huron and Flint these roads appear to have been constructed without reference to the land grant. (See Rogers *vs.* Port Huron and Lake Michigan R. R. Co., 45 Mich., 460.) The lands certified to the State were conveyed by the governor to the Port Huron and Lake Michigan R. R. Co. May 30, 1873, to aid in building the 60 miles of road above referred to.
Dec. 9, 1857	May 30, 1856	do	do	do								
Aug. 18, 1857	do	Aug. 15, 1887	do	Practically adjusted, but not closed.	583,290.83	512,877.03	170.66	170.66	None.	None.	None.	From Ludington to Flint.
July 16, 1857, and Sept. 7, 1857.	May 29, 1856. All odd sections within 15-mile limits.	Withdrawal never revoked, but no known vacant lands within limits of grant.				1,115.38	39.	None.	39	39	None.	From Madison to Portage.
	do	Aug. 15, 1887.	do									
Sept. 7, 1857, under act of 1856. June 9, 1865, under act of 1864; relocation.	May 29, 1856, under act of 1856; odd sections within 15-mile limits. Feb. 5, 1866, under act of 1864; odd sections within 20-mile limits.	do	do	do	1,208,404.09	576,863.36	256.90	217.9	39	39	None.	From Portage to Tomah. From Tomah to Hudson. The company appears to have abandoned and taken up the road between Tomah and Warrens, 12 miles, and in lieu thereof to have constructed a road from Warrens to Camp Douglass.
Mar. 2, 1858, from Prescott to Superior City, under act of 1856. July 17, 1858, Bayfield branch, under act of 1856. Apr. 22, 1865, under act of 1864; both lines, by adoption of location under act of 1856.	May 29, 1856, under act of 1856, odd sections within 15-mile limits. Feb. 28, 1866, under act of 1864, odd sections within 20-mile limits.	None, but no known vacant lands in limits.	Withdrawal revoked Jan. 8, 1891.	Adjusted and closed.	1,288,208.90	1,288,208.90	243.9	None.	243.9	243.9	None.	Hudson to Superior City. Branch from point on main line in Sec. 35, T. 40 N., R. 12 W., to Bayfield.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
29b	.....	...	...	.....	.....	.....	.....	.....	between the junction with Bayfield Branch and Superior City was by the same act granted to the Chicago and Northern Pacific Air Line Rwy. Co. The whole grant north of Saint Croix Lake is now vested in the Chicago, Saint Paul, Minneapolis and Omaha Rwy. Co., by consolidation with the North Wisconsin Rwy. Co., and by grant from the State by act approved Feb. 16, 1882.				
30	June 3, 1856	11	20	From Fond du Lac, on Lake Winnebago, northerly to the State line. Road as constructed extends from Fond du Lac, via Appleton and Green Bay, to the mouth of the Menominee River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	State of Wisconsin.	Chicago, Saint Paul and Fond du Lac R. R. Co.	No subdivision.... Present owner, Chicago and Northwestern Rwy. Co.	Apr. 25, 1862	12	618	Authorizing relocation of road, but not to change location of grant. Also granting 80 acres in Fort Howard Military Reserve for station purposes.
										Mar. 3, 1865	13	520	Extending time for completion.
										May 20, 1868	15	252	Directing issue of patent for 80 acres in Fort Howard Military Reserve.
										Mar. 3, 1869	15	307	Authorizing company to select its lands along the full extent of its road as originally located.
31	June 3, 1856	11	18	From Texas line, in State of Louisiana, west of the town of Greenwood, via Greenwood, Shreveport and Monroe, to a point on the Mississippi River opposite Vicksburg.	.....do.....	.....do.....	State of Louisiana.	Vicksburg, Shreveport and Texas R. R. Co.	No subdivision of grant. Present owner, Vicksburg, Shreveport and Pacific R. R. Co. Road from Texas State line owned and operated by Texas and Pacific Rwy. Co.	None.....	...	...	.....
32	June 3, 1856	11	18	From New Orleans, by Opelousas, to the State line of Texas.	Odd section within 6 miles of road.	.....do.....	.....do.....	New Orleans, Opelousas and Great Western R. R. Co.	No subdivision.... Grant forfeited as to lands not lawfully disposed of by State. Present owner of lands "lawfully disposed of" by State, if any, not known to General Land Office. Road, so far as built, operated by the Southern Pacific Company, but owned by Morgan's Louisiana and Texas R. R. Co.	July 14, 1870	16	277	Declaring forfeiture of all lands not lawfully disposed of by State.
33	Aug. 11, 1856	11	30	From Jackson to the line between the State of Mississippi and State of Alabama.	Even sections within 6 miles of road.	.....do.....	State of Mississippi.	Southern Railroad Co.	No subdivision; present owner, the Vicksburg and Meridian R. R. Co.	.....	...	...	None.....
34	Aug. 11, 1856	11	30	From Brandon to the Gulf of Mexico.	.....do.....	.....do.....	.....do.....	Gulf and Ship Island R. R. Co.	No subdivision; present owner, the Gulf and Ship Island R. R. Co.	Sept. 29, 1890	26	496	Forfeiting uncompleted portion of grant.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Nov. 30, 1857, from Fond du Lac to Michigan line.	May 29, 1856.	Dec. 15, 1887.	By order of Secretary of the Interior.	Practically adjusted, but not closed.	560,605.87	546,446.29	116	116	None.	None.	None.	Road as constructed extends from Fond du Lac, via Appleton, to Michigan State line near the mouth of the Menominee River. Located line, for and along which company received its lands, extends from Fond du Lac, via Appleton, northerly to Michigan State line in town, 41 N., range 14 E., about 167 miles.
Jan. 8, 1863, through townships 31 to 36, inclusive.	Mar. 6, 1863.											
June 1, 1868, from township 36 to Michigan line.	June 18, 1868.											
Mar. 27, 1857.	May 31, 1856.	Aug. 15, 1887.	.....do.....	.....do.....	699,220.90	371,768.86	190	94	96	96	None.	Completed from Texas State line to Shreveport, 20 miles, and from Delta, La., opposite Vicksburg, Miss., to Monroe, La., 74 miles, within time required, and from Monroe to Shreveport after that time.
Dec. 5, 1856..	May 31, 1856.	Mar. 15, 1873. All lands within grant west of Brashear City (to which the road was built in 1860) and outside the withdrawal limits for the New Orleans, Baton Rouge and Vicksburg R. R., act Mar. 3, 1871.	Order of Commissioner of General Land Office: under forfeiture act, Jan. 30, 1873.	Grant forfeited.	.....	.....	80	80	None.	None.	None.	The mileage here given refers only to the road from New Orleans to Brashear City, now Morgan City, the grant for the remainder having been declared forfeited. The lands certified under this grant were reconveyed to the United States by the governor of Louisiana February 24, 1888, the grant not having been earned.
Sept. 19, 1857.	Aug. 9, 1856, and Aug. 15, 1856.	Aug. 15, 1887.	Order of the Secretary of the Interior.	Adjusted and closed.	409,499.81	199,101.51	113.5	113.5	None.	None.	None.	From Jackson, via Meridian, to Alabama State line.
Nov. 27, 1860.	Aug. 9, 1856, Aug. 15, 1856, and July 8, 1884.	Aug. 15, 1887.	.....do.....	.....do.....	146,222.67	139,113.22	170	None.	20	170	150	Located line extends from Brandon to Mississippi City.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
35	Mar. 3, 1857	11	195	From Stillwater, by way of Saint Paul and Saint Anthony, to a point between the foot of Big Stone Lake and the mouth of Sioux Wood River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Minnesota.	Minnesota and Pacific R. R. Co., afterwards Saint Paul and Pacific R. R. Co.	Stillwater to Saint Paul. Present owners, Saint Paul, Stillwater and Taylor's Falls R. R. Co., and the Stillwater and Saint Paul Rwy. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
									Saint Paul to Brookinridge. Present owners, the Saint Paul, Minneapolis and Manitoba Rwy. Co.	Aug. 5, 1892	27	390	Relief of settlers in limits of grant in North and South Dakota.
35a	Mar. 3, 1865	13	526	.....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	.....do.....	.....do.....	.....do.....	.....	.....	.....	.....
36	Mar. 3, 1857	11	195	Branch of above road (from Saint Anthony) via Saint Cloud and Crow Wing, to the navigable waters of the Red River of the North, at such point as the legislature might determine.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	.....do.....	.....do.....	From Saint Anthony (East Minneapolis) to Watab, and from Saint Cloud to Saint Vincent. Present owner, the Saint Paul, Minneapolis and Manitoba Rwy. Co.	July 12, 1862	12	624	Authorizing location to Lake Superior instead of Saint Vincent.
										July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
36a	Mar. 3, 1865	13	526	Same..... Also from some point on existing line between Saint Anthony and Crow Wing, and extending northeasterly to the waters of Lake Superior. (See act March 3, 1871, changing location so as to extend from Saint Anthony, via Crow Wing to Brainerd and from Saint Cloud to Saint Vincent.)	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	.....do.....	.....do.....	From Watab to Brainerd. Present owner, Saint Paul and Northern Pacific R. R. Co.	Mar. 3, 1871	16	588	Authorizing State to alter location of branch lines, so as to construct from Crow Wing to Brainerd, and Saint Cloud to Saint Vincent, instead of constructing from Crow Wing to Saint Vincent and from Saint Cloud to Lake Superior.
										Mar. 3, 1873	17	631	Extending time for completion.
										June 22, 1874	18	203	Extending time for completion and saving rights of settlers. Company refused to accept, and Department held act inoperative. (See Kemper v. St. P. & P. R. R. Co., 3 Copp's L. O., 170.)
										Aug. 5, 1892	27	390	Relief of settlers in limits of grant in North and South Dakota.
37	Mar. 3, 1857	11	195	From Saint Paul and from Saint Anthony, via Minneapolis, to a convenient point of junction west of the Mississippi River, and thence to the southern boundary of the State.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	.....do.....	Southern Minnesota and Minnesota Valley R. R. Co.	No subdivision. Present owner, Saint Paul and Sioux City R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity; also extends time for completion of road.
37a	May 12, 1864	13	72	.....do.....	Ten miles...	Twenty miles.	.....do.....	.....do.....	.....	Sept. 29, 1890	26	496	Forfeiting grant between Saint Anthony, via Minneapolis, and Shakopee, Minn.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated are of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Dec. 5, 1857, Stillwater to R. 38 W.	Mar. 7, 1857; June 20, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891.	Order of the Secretary of the Interior.									Constructed by Stillwater and Saint Paul R. R. Co. From Stillwater to junction with Saint Paul and Duluth R. R. at White Bear. From Stillwater to Saint Paul. Constructed by Saint Paul, Stillwater and Taylor's Falls R. R. Co. For full history of construction of two roads above mentioned see letter from Commissioner of General Land Office to Secretary of the Interior, dated Feb. 6, 1886. From Saint Paul to Breckinridge.
Range 39 to 41 W., July 30, 1868.	Aug. 14, 1868, and Apr. 12, 1869.											
Range 41 to Breckinridge, May 10, 1869.	May 25, 1869.											
.....	.....	.....	.....	Not adjusted	3,770,533.32	3,256,477.73	693.80	456.19	232.24	237.61	5.37	
Dec. 5, 1857, from Saint Anthony to Crow Wing.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891.	Order of the Secretary of the Interior.									Saint Paul, Minneapolis, and Manitoba Rwy., from Minneapolis to Watab. Completed from Minneapolis to Sauk Rapids within time required. Saint Paul and Northern Pacific R. R., from Watab to Brainerd.
Dec. 19, 1871, from Saint Cloud to Saint Vincent.	Feb. 6, 1872.	.....do.....	.....do.....									Saint Vincent extension, Saint Paul, Minneapolis and Manitoba Rwy., from East Saint Cloud to Saint Vincent, with a branch from Saint Vincent to the international boundary. Completed from East Saint Cloud to Melrose, 35 miles, and from a point in Sec. 35, T. 135 N., R. 45 W., to a point in Sec. 7, T. 154 N., R. 47 W., 105 miles, within time required. Last bracketed roads adjusted as one grant.
Crow Wing to Brainerd, Feb. 18, 1879.												
Feb. 20, 1858, from Saint Paul and Minneapolis to Sec. 31, T. 107, R. 31.	Mar. 7, 1857; June 22, 1857; Mar. 21, 1858; and July 7, 1864.	May 22, 1891.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,126,578.55	1,126,578.55	190 25	190 None.	None. None.	None. 25	None. 25	From Saint Paul to Iowa State line. From Saint Anthony via Minneapolis, to point of junction (Shakopee) west of Mississippi River.
June 28, 1865, from Sec. 31, T. 107, R. 31, to Sec. 30, T. 104, R. 39.	Aug. 10, 1865.											
July 7, 1866, from Sec. 30, T. 104, R. 39, to southern boundary of State.	Oct. 10, 1869.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
38	Mar. 3, 1857	11	195	From Minneapolis, via Faribault, to the north line of the State of Iowa.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	State of Minnesota.	Minneapolis and Cedar Valley R. R. Co.	No subdivisions. Present owner, Minnesota Central R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
38a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....					
39	Mar. 3, 1857	11	195	From Winona, via Saint Peter, to a point on the Big Sioux River.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	....do.....	Winona and Saint Peter R. R. Co.	No subdivision. Present owner, Winona and Saint Peter R. R. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
39a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....	....do.....	Jan. 13, 1873	17	409	Extending time for completion.
40	Mar. 3, 1857	11	195	From La Crescent, via Target Lake, up the Root River Valley to a connection with the Winona and Saint Peter R. R.	Odd sections within 6 miles of road.	Fifteen miles on each side of road. Odd sections.	....do.....	Southern Minnesota R. R. Co.	Operated by the Chicago, Milwaukee and Saint Paul Rwy. Co.	July 13, 1866	14	97	Provides for certification of lands and regulates selection of indemnity.
40a	Mar. 3, 1865	13	526	....do.....	Odd sections within 10 miles of road.	Twenty miles on each side of road. Odd sections.	....do.....	....do.....					
41	July 1, 1862	12	489	From a pointon the one hundredth meridian of longitude west from Greenwich, between the south margin of the valley of the Republican River and the north margin of the valley of the Platte River, in the Territory of Nebraska, to the western boundary of Nevada Territory; also from a point on western boundary of Iowa to the one hundredth meridian aforesaid.	Odd sections within 10 miles on each side of road.	No indemnity.	Union Pacific R. R. Co.	.....	No subdivision. Union Pacific R. R. Co.	July 3, 1866	14	79	Authorized company to locate and construct its road from Omaha westward by the best and most practicable route without reference to the initial point on the one hundredth meridian previously provided by law.
										July 26, 1866	14	307	Grants right of way through military reservation and authorizes the President to set apart lands for depot purposes.
41a	July 2, 1864	13	356	....do.....	Odd sections within 20 miles on each side of road.	....do.....	....do.....	.....	.....	Apr. 10, 1869	16	56	Provides for the protection of the interests of the United States in the Union Pacific R. R. Co. for a common terminus of the Union Pacific and Central Pacific roads at or near Ogden.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Jan. 25, 1858.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and Dec. 6, 1867.	Withdrawal not revoked, but no known vacant lands in limits.	.....	Practically adjusted but not closed.	533,705.71	179,734.29	115	115	None.	None.	None.	From Minneapolis to Iowa State line near Lyle, Minn.
July 29, 1858, Winona to range 31.	Mar. 7, 1857; June 22, 1857; Mar. 25, 1858; and July 10, 1865.	May 22, 1891	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,551,289.50	1,680,974.92	323.22	323.22	None.	None.	None.	From Winona, via Saint Peter, Minn., to the Big Sioux River, near Watertown, Dak.
Aug. 3, 1864, ranges 32 to 37, inclusive.	Aug. 10, 1864, and July 10, 1875.											
Feb. 23, 1867, range 38.	Aug. 15, 1867											
Sept. 10, 1868, ranges 39 to 43, inclusive.	Aug. 15, 1867, and Apr. 24, 1869.											
Sept. 1, 1873, range 42 to Big Sioux River, in Dakota.	Sept. 2, 1874											
Feb. 20, 1858.	Mar. 7, 1857; June 22, 1857; Mar. 30, 1858; and July 10, 1865.	.....do.....	.....do.....	.....do.....	382,161.77	88,987.99	76.5	18	None.	58.5	58.5	Located from La Crescent, via Houston, to a connection with the Winona and Saint Peter Railroad at Rochester. Completed from La Crescent to Houston within the time required. Uncompleted from Houston to Rochester. About 22½ miles of the line west of Houston located under the grants of 1857 and 1865, and here reported as uncompleted, is covered by the road located and constructed by the Southern Minnesota R. R. Co., under the grant of July 4, 1866. See No. 55.
First 100 miles west of Omaha, Oct. 24, 1864.	Dec. 15, 1863; Dec. 22, 1863; Dec. 16, 1864; and Dec. 19, 1864.	No right of indemnity.	.....	Not adjusted.	12,119,671.63	11,935,776.69	1,038.68	1,038.68	None.	None.	None.	Extends from the Missouri River at Omaha, Nebr., to a junction with the Central Pacific R. R. in the northwest quarter of northeast quarter, section 1, T. 6 N., R. 2 W., Utah, 5.11 miles north of the town of Ogden. See act of May 6, 1870. The Central Pacific R. R. Co., however, leases and operates the road between the point of junction and Ogden, 5.11 miles, the running connection being made at the latter point. Company received bonds for 1,038.68 miles.
First 100 miles west of Omaha, Nov. 4, 1864.												
100 miles west of Omaha to Salt Lake, June 25, 1865.	Dec. 18, 1867, and Dec. 28, 1867.											
Second 100 miles west of Omaha, Jan. 19, 1866.	Feb. 6, 1866.											
Second 100 miles west of Omaha, June 29, 1866.	Aug. 21, 1866.											
Third 100 miles west of Omaha, July 23, 1866.	None.											
Third 100 miles west of Omaha, Mar. 30, 1867.	June 26, 1867, and Apr. 21, 1871.											
Fourth 100 miles west of Omaha, Mar. 14, 1867	June 26, 1867.											
Fourth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1869; Dec. 21, 1870; Apr. 21, 1871, and Nov. 8, 1873.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
41a										May 6, 1870	16	21	Fixes the point of junction of the Union Pacific and Central Pacific R. R. companies.
										June 20, 1874	18	111	Amends sec. 15, act July 2, 1864, and provides for a penalty for a refusal of the company or any officer or agent thereof to use and operate the Pacific railroads as a continuous line, and a mode of enforcing said penalty.
										May 7, 1878	20	56	Provides for a sinking fund, etc.
										June 24, 1912	37	138	Legalizing conveyances of rights of way.
42	July 1, 1862	12	489	From the Missouri River, at the mouth of the Kansas River, to a connection with the Union Pacific R. R. at the 100th meridian of longitude.	Odd sections within 10 miles of of road.	None	Leavenworth, Pawnee and Western R. R. Co.		That part of the grant which lies between Denver, Colo., and Cheyenne, Wyo., was assigned to the Denver Pacific Rwy. and Tel. Co. Present owner, Union Pacific R. R. Co.	May 7, 1866	14	355	Extending time for completion.
										July 3, 1866	14	79	Extending time for filing map and authorizing change of route.
										Mar. 3, 1869	15	324	Authorizing assignment of portion of grant to Denver Pacific Rwy. and Tel. Co.
42a	July 2, 1864	13	356	....do.... (See act July 3, 1866, authorizing connection with Union Pacific R. R., to be made at a point not more than 50 miles west of the meridian of Denver, Colo.)	Odd sections within 20 miles of road.	None	....do....		Remainder of road and grant was owned by the Union Pacific Rwy. Co., Eastern Division, which, by change of name, became the Kansas Pacific Rwy. Co. Present owner, Union Pacific R. R. Co., except in Kansas, where Union Pac. Land Co. owns grant.	Mar. 3, 1869	15	348	Authorizing change of name to Kansas Pacific Rwy. Co.
										June 20, 1874	18	111	Relative to operation of road.
										May 7, 1878	20	56	Provides for sinking fund.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Fifth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1869; Dec. 21, 1870; Nov. 8, 1873; Aug. 9, 1870; Apr. 17, 1871; and May 11, 1872.											
Sixth 100 miles west of Omaha, Jan. 6, 1868.	Nov. 6, 1879; Nov. 8, 1873; Aug. 9, 1870; Apr. 17, 1871; and May 11, 1872.											
Seventh 100 miles west of Omaha, July 2, 1868.	Aug. 9, 1870, and Apr. 17, 1871.											
Eighth 100 miles west of Omaha, Oct. 21, 1868.	Do.											
Ninth 100 miles west of Omaha, Oct. 21, 1868.	Do.											
Tenth 100 miles west of Omaha, Apr. 28, 1869.	Aug. 9, 1870; Apr. 17, 1871; May 15, 1869; Apr. 6, 1870; Apr. 22, 1872; and Oct. 16, 1873.											
Eleventh 100 miles west of Omaha, Apr. 28, 1869.	Do.											
Denver Pacific, Aug. 20, 1869.	Oct. 4, 1869, Aug. 9, 1870, and Nov. 7, 1870.	No right of indemnity.	None.....	Practically adjusted, but not closed.	1,129,300.17	807,564.76	106	106	None.	None.	None.	Denver Pacific Rwy. from Denver, Colo., to junction with Union Pacific Rwy. at Cheyenne, Wyo. This road received no bonds.
Kansas Pacific.	.....	.....do.....	.....do.....	.....do.....	7,776,238.14	6,175,660.63	638.6	638.6	None.	None.	None.	Kansas Pacific Rwy., from Missouri State line, near Kansas City, to Denver, Colo. (See opinion of Attorney-General, Feb. 25, 1882, relative to construction.) This company received bonds for 393.9425 miles of road only, that being the length of the road constructed by the company from the State line to Fort Riley, together with the length of "the most direct and practicable route for a railroad" line from Fort Riley up the Republican River to a connection with the Union Pacific R. R. at the 100th meridian, according to the survey made during the summer of 1868, under the direction of the Department of the Interior, by Brevet Maj. C. W. Howell, Captain of Engineers, U. S. Army, and approved by the President Oct. 30, 1868.
Probable route: Lawrence to 100th meridian in Nebraska, July 4, 1862.	July 17, 1862.											
General route: Kansas City to 100th meridian in Nebraska, July 1, 1865.	None.											
Fort Riley to Colorado boundary, July 11, 1866.	July 14, 1866.											
Colorado line to Denver and beyond, Nov. 30, 1866.	Dec. 10, 1866.											
Definite location: Kansas City to Fort Riley, Jan. 11, 1866.	Feb. 16, 1866.											
Fort Riley to Fort Harker, May 8, 1867.	June 14, 1867, and July 18, 1867.											
Fort Harker to Fort Hays, Sept. 21, 1867.	Feb. 5, 1868.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
42a													
43	July 1, 1862	12	489	From San Francisco, Cal., or navigable waters of the Sacramento River, to eastern boundary of California, with right to continue construction until Union Pacific R. R. is met.	Odd sections within 10 miles on each side of road.	None	Central Pacific R.R. Co.		Portion of grant between San José and Sacramento assigned to Western Pacific R.R. Co. (see act of March 3, 1865), and subsequently again merged in Central Pacific by consolidation.	Mar. 3, 1865	13	504	Ratifying assignment to Western Pacific R.R.Co. of portion of grant between San José and Sacramento.
										July 3, 1866	14	79	Relative to location of road east of California.
43a	July 2, 1864	13	356	....do....	Odd sections within 20 miles on each side of road.	None	....do....			May 21, 1866	14	356	Extending time for completion of first section of road, etc.
										Apr. 10, 1869	16	56	Relative to point of connection between Central Pacific and Union Pacific Railroads.
										May 6, 1870	16	21	Fixes point of junction of above roads.
										June 20, 1874	18	111	Provides for operation of Pacific roads as a continuous line.
										May 7, 1878	20	56	Provides for sinking fund.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Definite location: Fort Hays or 290th milepost to 335th milepost, Dec. 6, 1867.												
335th to 405th milepost, May 6, 1870.	Sept. 15, 1870.											
405th milepost to Denver, Colo., May 26, 1870.	Apr. 27, 1874, Apr. 29, 1874, June 24, 1870, and Sept. 29, 1870.											
Western Pacific.	.....	No right of indemnity.	None.....	Not adjusted	1,349,758.96	458,147.97	123.16	123.16	None.	None.	None.	Western Pacific R. R., from Sacramento to San José, Cal. Company received bonds for 123.16 miles. See restoration of June 6, 1873.
General route: Sacramento to San Francisco, Dec. 8, 1864.	Dec. 23, 1864.											
Definite location: San José north 20 miles, Nov. 10, 1866.	May 6, 1870.											
1st to 20th mile south and west of Sacramento, Sept. 1, 1869.												
20th to 83d mile south and west of Sacramento, Oct. 27, 1869.												
83d to 103d mile south and west of Sacramento, Jan. 21, 1870.												
Sacramento to San José, Feb. 1, 1870.												
General route: Sacramento to eastern boundary of State and to Big Bend of Truckee River, June 30, 1862.	Aug. 2, 1862.	.....do.....	.....do.....	.....do.....	8,029,382.84	5,842,717.72	737.5	737.5	None.	None.	None.	Central Pacific R. R., from Sacramento, Cal., to junction with Union Pacific Rwy., in Sec. 1, T. 6 N., R. 2 W., near Ogden, Utah. (See No. 41.) The road between the 690.3ths mile (promontory) and the junction with the Union Pacific, 47.2 miles, was constructed by the Union Pacific R. R. Co., and purchased by the Central Pacific R. R. Co. (See joint resolution, April 10, 1869.) Company received bonds for 737.5 miles.
Sacramento to eastern boundary of State and to Big Bend of Truckee River, July 6, 1864.	Aug. 9, 1864, and Aug. 30, 1866.											
Salt Lake to eastern boundary of California, Apr. 28, 1865.	May 12, 1865.											
Monument Point to Echo Summit, Oct. 20, 1868.	May 15, 1869.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
43a													
44	July 1, 1862	12	489	From Saint Joseph via Atchison to connect with Union Pacific R. R. through Kansas.	Odd sections within 20 miles on each side of road.	None	Hannibal and Saint Joseph R. R. Co. of Missouri.		No subdivision. Present owner, Union Pacific R. R. Co., Central Branch.	None			
44a	July 2, 1864	13	356										
45	July 1, 1862	12	489	From Sioux City, Iowa, to point to be fixed by the President, to connect with road from point on west boundary of Iowa to a connection with lines of Union Pacific R. R. Co.	Odd sections within 10 miles on each side of road.	None	Union Pacific R. R. Co.		No subdivision. Present owner, Sioux City and Pacific R. R. Co.	July 2, 1864	13	536	Authorizing President to designate company to build road.
46	Mar. 3, 1863	12	772	From city of Leavenworth, by way of the town of Lawrence, and via the Ohio City crossing of the Osage River to the southern line of the State in the direction of Galveston Bay, in Texas, with a branch from Lawrence by the valley of the Wakarusa River to a point on the Atchison, Topeka and Santa Fe R. R. where said road intersects the Neosho River.	Odd sections for ten sections in width on each side of road and the branch.	Twenty miles on each side of road and branch.	State of Kansas.	Leavenworth, Lawrence and Galveston R. R. Co.	No subdivision. Southern Kansas Rwy. Co.	July 1, 1864	13	339	Authorized change of branch line to run from Lawrence to Emporia.
										Apr. 19, 1871	17	5	Authorized company to relocate portion of its road.
										July 24, 1876	19	101	Declared forfeiture of all unearned and unpatented lands.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Definite location:												
Sacramento east 50 miles, Mar. 26, 1864.	May 8, 1866, and Apr. 9, 1868.											
39th to 98th mile-post, Oct. 27, 1866.	Apr. 9, 1868.											
98th mile-post to Big Bend Truckee River, Nov. 14, 1867.	Apr. 9, 1868.											
Big Bend Truckee River to Humboldt Wells, Apr. 23, 1867.	Jan. 20, 1868, and Jan. 29, 1868.											
Humboldt Wells to Weber Cañon, May 15, 1868.	Feb. 27, 1869.											
General route:												
Saint Joseph to Republican River, June 27, 1863.	July 9, 1863..	No right of indemnity.	None.....	Practically adjusted, but not closed.	261,841.51	223,080.50	100	100	None.	None.	None.	From Atchison to 100th mile-post near Waterville, Kans. Company received bonds for 100 miles.
Probable route:												
Big Blue River to 100th mile-post west of Missouri River, Mar. 16, 1867.	Mar. 27, 1867.											
Definite location: Missouri River to S. 9, T. 5 S., R. 8 E., Mar. 6, 1866.	Mar. 15, 1866.											
Missouri River to 100th mile-post, May 29, 1868.	June 5, 1868, June 22, 1868, and June 24, 1868.											
Jan. 4, 1868..	Feb. 17 and 18, 1868.	.....do.....	.....do.....	.....do.....	597,826.43	42,610.95	101.77	101.77	None.	None.	None.	From Sioux City, Iowa, to Fremont, Nebr. Company received bonds for 101.77 miles.
Lawrence to north boundary of Osage ceded lands Nov. 28, 1866; from thence to south boundary of State, Jan. 2, 1868.	Apr. 30, 1863; Apr. 30, 1867, Jan. 2, 1868.	Sept. 6 1877.	By orders of Secretary of the Interior and General Land Office under act July 24, 1876.	.....do.....	485,545.69	a 249,446.13	142.8	142.8	None.	None.	None.	The mileage here given covers the road from Lawrence to the Southern boundary of Kansas only, as the main line between Leavenworth and Lawrence and the Wakarusa Valley Branch were never located nor constructed, and the grant therefor has been forfeited. a Includes 186,936.72 acres of the "Osage Ceded Reservation," which are to be deducted from the above amount under the decision of the Supreme Court in the case of the Leavenworth, Lawrence and Galveston Railroad *v.* The United States (92 U. S., 733).

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
47	Mar. 3, 1863	12	772	From the city of Atchison via Topeka, the capital of the State, to the western line of the State, in the direction of Fort Union and Santa Fe, N. Mex.	Odd sections for 10 sections in width on each side of road.	Same. On each side of road.	State of Kansas.	Atchison, Topeka and Santa Fe R. R. Co.	No subdivisions. Atchison, Topeka and Santa Fe R. R. Co.	None			None
48	Mar. 3, 1863	12	772	Branch of above road from point where same crosses the Neosho River, down the Neosho Valley to the point where the L., L. and G. R. R. enters said valley.	do	do	do	Union Pacific R. R. Co., Southern Branch, which, by change of name, became the Missouri, Kansas and Texas Rwy. Co.	No subdivision. Missouri, Kansas and Texas Rwy. Co.	None			None
48a	July 1, 1864	13	339	From Emporia via Council Grove to a point near Fort Riley on the Branch Union Pacific R. R.	do	do	do	do					
48b	July 23, 1866	14	289	From at or near Fort Riley, Kans., down the valley of the Neosho to the southern line of Kansas.	do	Same. Embraces both odd and even sections.	do	do					
49	May 5, 1864	13	66	From Portage City, Berlin, Doty's Island or Fond du Lac, as the State may determine, in a northwestern direction to Bayfield, thence to Superior or Lake Superior.	Odd sections for 10 miles on each side of road.	Twenty miles on each side of road.	Wisconsin	Portage, Winnebago and Superior R. R. Co.	No subdivision. Present owners, the Wisconsin Central R. R. Co. Road constructed only from Portage via Stevens' Point to Ashland.	June 21, 1866	14	360	Authorizing location of road so as to cover points named in granting act, etc.
										Apr. 9, 1874	18	28	Extending time for completion of road.
										Mar. 3, 1875	18	511	Authorizing company to straighten line of their road.
										Sept. 29, 1890	26	496	Forfeiting grant between Ashland and Superior City, Wis.
50	May 5, 1864	13	64	From St. Paul, Minn., to the head of Lake Superior.	do	do	Minnesota	Lake Superior and Mississippi R. R. Co.	No subdivision. Present owners, the Saint Paul and Duluth R. R. Co.	July 13, 1866	14	93	Authorizing company to make up deficiency of land within 30 miles of the west line of road.
										July 13, 1866	14	97	Provides for certification of lands.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
Atchison to Emporia, Oct. 19, 1868.	Apr. 20, 1863, and Dec. 30, 1868.	Oct. 17, 1883	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	2,885,496.43	2,944,788.14	469.35	469.35	None.	None.	None.	From Atchison, Kans., to western boundary of State near town of Coolidge.
Emporia to Wichita, Sept. 3, 1869.	Apr. 30, 1863, and Oct. 23, 1869.											
Wichita to Fort Dodge, Jan. 30, 1871.	Feb. 6, 1871, Feb. 25, 1871, and Feb. 27, 1871.											
Newton to 27, 23, 5 W., Sept. 28, 1871.	Sept. 28, 1871.											
Mouth of Pawnee Creek to west line of R. 27 W., Apr. 19, 1872.	May 10, 1872.											
Sec. 15, 29, 27 W. to Colorado line, June 29, 1872.	July 19, 1872, and Apr. 13, 1882.											
Junction City to north boundary Osage ceded lands, Feb. 19, 1867.	Mar. 23, 1863, Apr. 30, 1863, and Mar. 19, 1867.	Aug. 17, 1887	....do.....	....do.....	1,121,784.18	[b]976,593.22	180.5	180.5	None.	None.	None.	From Fort Riley to southern boundary of Kansas.
							155.35	155.35	None.	None.	None.	From the southern boundary of Kansas, through the Indian Territory to the Red River, near Preston, Tex. This road through Indian Territory was not constructed under the company's grant of July 26, 1866, but under the 8th, 9th, 10th, and 11th sections of the act of July 25, 1866 (14 Stats., 236), granting lands for the Kansas and Neosho Valley R. R. Co., which act also makes a grant in said Territory when the Indian title is extinguished, provided the lands become part of the public domain.
North boundary of Osage ceded lands to south boundary of State, Jan. 8, 1868.	Jan. 21, 1868.											[b] Includes 270,970.78 acres in the "Osage Ceded Reservation," which should be deducted under decision cited in note a.
Nov. 10, 1869.	Dec. 10, 1869, and Feb. 2, 1870. Twenty miles on each side of road.	Aug. 15, 1887	....do.....	....do.....	1,232,562.24	838,227.69	341	248	9	93	84	Completed from Portage via Stevens' Point to Ashland, 257 miles, of which all but 9 miles, between Sec. 21, T. 41 N., R. 1 W., and Sec. 11, T. 42 N., R. 2 W., was completed within the time required. Not constructed from Ashland to Superior City. Forfeited lands restored Jan. 16, 1891.
Sept. 25, 1866.	May 26, 1864, and Nov. 2, 1866. All lands within limits.	.....do.....	.....do.....	.....do.....	934,835.92	860,973.62	154.42	154.42	None.	None.	None.	From Saint Paul to Duluth. Twenty-three and a half miles of this road, extending from Northern Pacific Junction to Duluth is owned and operated jointly with the Northern Pacific Rwy. Co.

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
51	May 12, 1864	13	72	From Sioux City, Iowa, to south line of State of Minnesota.	Odd sections within 10 miles on each side of road.	Twenty miles on each side of road.	State of Iowa	Sioux City and Saint Paul R. R. Co.	No subdivisions. Sioux City and Saint Paul R. R. Co.	Sept. 29, 1890	26	496	Forfeiting grant between Le Mars and Sioux City, Iowa.
52	May 12, 1864	13	72	From a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction until it shall intersect the said road running from Sioux City to the Minnesota State line.	.....do.....	.....do.....	.....do.....	McGregor Western R. R. Co.; McGregor and Sioux City R. R. Co.; McGregor and Missouri River R. R. Co.; Chicago, Milwaukee and Saint Paul Rwy. Co.	Construction of road as follows: McGregor to Calmar, by McGregor Western Co.; Calmar to Algona, by McGregor and Missouri River Co.; Algona to Sheldon, by Chicago, Milwaukee and Saint Paul Co. The latter company is the present owner.	.....	...	....	None.....
53	July 2, 1864	13	356	From Missouri River, south of the mouth of the Platte River, to some point, not further west than the 100th meridian of west longitude, to connect with the Union Pacific R. R.	Odd sections to amount of ten sections per mile on each side of road.	None.....	Burlington and Missouri River R. R. Co.	.....	No subdivision. Present owners, Chicago, Burlington and Quincy R. R. Co.	Mar. 3, 1865 July 26, 1866 Apr. 10, 1869 May 6, 1870	13 14 16 16	504 367 54 118	Authorizing company to issue bonds. Granting right of way through military reservation. Authorizing company to assign its right to a company to be organized under the laws of Nebraska. Authorizing change of route and connection with Union Pacific R. R. Co.
54	July 2, 1864	13	365	From point on Lake Superior, in Minnesota or Wisconsin, thence westerly by most eligible route to a point on Puget Sound with a branch via the valley of the Columbia River, to point at or near Portland, Oreg. See joint resolutions of May 31, 1870, changing route so as to authorize construction of main line via valley of Columbia River to Puget Sound and branch line across Cascade Mountain.	Odd sections to amount of ten sections per mile on each side of road in State and twenty in Territories.	Thirty miles in States and 50 miles in Territories on each side of road.	Northern Pacific R. R. Co.	.....	No subdivision. Present owners, Northern Pacific Rwy. Co.	May 7, 1866 July 1, 1868 Mar. 1, 1869 Apr. 10, 1869 May 31, 1870 July 15, 1870 Sept. 29, 1890 Oct. 1, 1890 July 1, 1898	14 15 15 16 16 16 26 26 30	355 255 346 57 378 305 496 647 620	Extending time for commencing and completing road. .....do..... Authorizing company to issue bonds, etc. Authorizing company to extend branch line from Portland, Oreg., to Puget Sound, etc. Authorizing issue of mortgage bonds, changing location of main and branch line, extending indemnity limits, etc. Proviso in general appropriation act requiring company to pay costs of surveys, etc. Forfeiting grant between Wallula, Wash., and Portland, Oreg. For relief of settlers on second indemnity lands. Provides for the adjusitment of conflicting claims of settlers and the company.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
July 17, 1867	Aug. 26, 1867	May 22, 1891	By order of the Secretary of the Interior.	Adjusted and closed.	279,437.16	c 322,412.81	83.16	56.25	None.	26.91	26.91	Completed from Minnesota boundary to a connection with Iowa Falls and Sioux City (Illinois Central) R. R. at Lemars. In the matter of the adjustment of this grant see decisions of the Secretary of the Interior. (6 L. D., 47, 54, and 162.) c Excess certified recovered in suit.
From McGregor to 12, 95 N., 35 W., Aug. 30, 1864; from that point to 18, 96, 38, Jan. 27, 1869; from thence to Sheldon, Sept. 2, 1869.	Sept. 12, 1864; Oct. 1, 1864; Oct. 24, 1864; Feb. 4, 1869; Mar. 15, 1870.	Dec. 15, 1887	.....do.....	Practically adjusted, but not closed.	1,285,150.83	326,216.10	251	251	None.	None.	None.	Completed from South McGregor via Calmar to a connection with the Sioux City and Saint Paul R. R. at Sheldon, in O'Brien County. See opinion of Attorney General (13 Opinions, 445), holding that road is not land grant between McGregor and Calmar. See, also, opinion of Attorney General relative to deviation of constructed road from line of definite location. (16 Opinions, 457.)
June 22, 1865	Feb. 3, 1866, Mar. 20, 1866, Mar. 24, 1866, and Dec. 11, 1871.	No right of indemnity.	.....	Adjusted and closed.	2,361,984.00	d 2,374,090.77	190.75	190.75	None.	None.	None.	From Plattsmouth to Kearney Junction, Nebr. This grant is one of quantity, *i. e.*, ten sections per mile on each side of the road, and is not confined to lateral limits (U. S. *v.* B. M. R. R. R. Co., 98 U. S., 334). The General Land Office holds that the company is entitled to lands for 184.53 miles, that being the length of its road. (See Commissioner's report to Department of Feb. 13, 1901. Case 8—7746.) d Excess paid for by company.
General route: Mouth of Montreal River, Wisconsin, to Red River of the North, Minnesota, Aug. 13, 1870.	Sept. 15, 1870	Aug. 15, 1887	By order of the Secretary of the Interior.	Not adjusted	43,159,428.04	35,176,619.27	78.50 237. 375.98 780. 90. 511.10 36.30	..... 228. 196.4 .... 106.1	78.50 9. 179.58 780. 90. 180. 36.30	78.50 9. 179.58 780. 90. 405. 36.30	.... 225.	Main line: Wisconsin. Minnesota. North Dakota. Montana. Idaho. Washington. Oregon.
							2,108.88	530.5	1,353.38	1,578.38	225.	
							153.93	.....	153.93	153.93	.....	Cascade Branch, Washington.
Eastern boundary of Washington Territory, via valley of Columbia River, to international boundary, Aug. 13, 1870.	Sept. 20, 1870; Nov. 21, 1870; Feb. 10, 1872; Feb. 14, 1872; Sept. 20, 1870; Feb. 9, 1872, and Feb. 14, 1872.											Main line as finally located and constructed extends from Ashland, Wis., to Wallula Junction, Wash., 1,741.48 miles, and from Portland, Oreg., to Tacoma, Wash., 142.40 miles. Completed from Northern Pacific Junction, Minn., to Bismarck, N. Dak., 424.4 miles, and from Kalama to Tacoma, Wash., 106.1 miles. Road still uncompleted between Wallula Junction, Wash., and Portland, Oreg. Company uses road of Oregon Rwy. and Navigation Co. between said points.
Through Minnesota, Oct. 2, 1870.	Nov. 7, 1870.											
Red River of the North to the mouth of the Walla Walla River, Washington, Feb. 21, 1872.	Mar. 30, 1872; Apr. 22, 1872; Apr. 15, 1872; Oct. 28, 1876; Mar. 30, 1872, and Apr. 15, 1872.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
54										Mar. 2, 1899	30	993	Authorizing the company to relinquish lands in the Mount Rainier Park and Pacific Forest Reserve and select an equal quantity elsewhere.
										Mar. 2, 1901	31	950	Extending the provisions of the act of 1898.
										May 17, 1906	34	197	Extending the provisions of the acts of 1898 and 1901.
										July 10, 1882	22	157	Right of way through Crow Reservation.
										Apr. 28, 1904	33	538	Validating conveyances forming right of way.
										Mar. 3, 1905	33	1014	Validating conveyances forming right of way, Spokane, Wash.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route:												
Lake Pend d'Oreille, Idaho, to Tacoma, Washington (branch), Aug. 20, 1873.	Oct. 6, 1873, and Nov. 1, 1873.											
Mouth of Snake River to Tacoma, Nov. 24, 1876.	None.											
Twin Wells to Tacoma, June 11, 1879.	July 3, 1879.											
Definite location:												
Junction with Lake Superior and Mississippi Railroad to Red River of the North at Fargo, N. Dak., Nov. 20, 1871.	Dec. 12, 1871.											
Fargo to Bismarck, N. Dak. May 26, 1873.	June 11, 1873.											
Kalama to Tenino, Sept. 13, 1873.	Jan. 21, 1874.											
Tenino to Tacoma, May 14, 1874.	Nov. 12, 1874, and June 30, 1875.											
Bismarck to Little Missouri River, July 20, 1880.	Aug. 23, 1880.											
Little Missouri River to mouth of Glendive Creek, Oct. 25, 1880.	Nov. 29, 1880, and Sept. 29, 1883.											
Wallula to Spokane Falls, Oct. 4, 1880.	Nov. 13, 1880; Nov. 17, 1880; Nov. 18, 1880; Aug. 16, 1881, and Nov. 29, 1880.											
Glendive Creek to Tongue River, June 25, 1881.	Sept. 29, 1883.											
Tongue River to eastern boundary of Crow Reserve, June 25, 1881.	Oct. 8, 1883.											
Through Crow Reserve June 27, 1881.	Nov. 14, 1883; June 8, 1883, and June 9, 1883.											
Spokane Falls, Wash., to Lake Pend d'Oreille, Idaho, Aug. 30, 1881.	June 9, 1884, and Jan. 7, 1888.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
5[illegible]													

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Definite location:												
Last crossing of Yellowstone River (western boundary of Crow Reserve) to Little Blackfoot River, July 6, 1882.	June 8, 1883, and June 9, 1883.											
Little Blackfoot River to southern boundary of Flathead Reserve, July 6, 1882.	July 30, 1883, and July 31, 1883.											
Junction with Lake Superior and Mississippi R. R. in Minnesota to T. 47 N., R. 2 W., Wisconsin, July 6, 1882.	Jan. 5, 1883; June 18, 1883; Oct. 11, 1883; Jan. 5, 1883; June 22, 1883, and Oct. 20, 1883											
Portland, Oregon, to Kalama, Wash., Sept. 22, 1882.	Jan. 30, 1888.											
Lake Pend d'Oreille, Idaho, to mouth of Missoula River, Montana, Dec. 12, 1882.	Sept. 1, 1884; Feb. 20, 1885, and Jan. 7, 1888.											
Through Flathead Reserve to mouth of Missoula River, June 8, 1883.	Sept. 25, 1884, and Jan. 7, 1888.											
Initial point at Ashland, Wis., west 50 miles, Nov. 24, 1884.	Feb. 3, 1887.											
Yakima to Ainsworth, June 29, 1883.	Jan. 6, 1885; Jan. 8, 1885, and Jan. 8, 1885.											
Yakima to Yakima River near Swauk Creek, May 24, 1884.	Jan. 6, 1885; Jan. 8, 1885, and Jan. 8, 1885.											
Tacoma to South Prairie, Mar. 26, 1884.	Nov. 28, 1884, and Dec. 1, 1884.											
South Prairie to Eagle Gorge, Sept. 3, 1884.	Nov. 28, 1884, and Dec. 1, 1884.											
Yakima River near Swauk Creek to near Eagle Gorge, Dec. 8, 1884.	Jan. [illegible], 1888.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
55	July 4,1866	14	87	From Houston, Minn., to western boundary of State.	Odd sections to amount of five sections per mile on each side of road.	Twenty miles on each side of road.	Minnesota...	Southern Minnesota R. R. Co.	No subdivisions. Present owners, Southern Minnesota Rwy. Extension Co.	July 13,1866	14	97	Providing for certification of lands, etc.
										Sept. 29,1890	26	496	Forfeiting grant between Houston and Rochester, Minn.
56	July 4,1866	14	87	From Hastings, Minn., to western boundary of State.	.....do.....	.....do.....	.....do.....	Hastings, Minn., and Red River of the North R. R. Co.	No subdivision. Present owners, Hastings and Dakota R. R. Co. It is understood that the charter of this company has been annulled by decision of Supreme Court of Minnesota. (See 21 L. D., 312.)	July 13,1866	14	97	Providing for certification of lands, etc.
57	July 23,1866	14	210	From Elwood, Kans., westwardly, via Marysville to junction with Union Pacific R. R. Co.	Odd sections within 10 miles of line of road.	.....do.....	State of Kansas for use and benefit of Saint Joseph and Denver City R. R. Co.	.....	No subdivision. Present owner of lands not known to General Land Office.	None.....	...	...	.....
58	July 25,1866	14	239	From junction with Central Pacific R. R. Co. in the Sacramento Valley, California, to north boundary of State.	Odd sections to amount of ten sections per mile on each side of road.	Thirty miles on each side of road.	California and Oregon R. R. Co.	.....	No subdivision. Present owners, Central Pacific Rwy. Co.	June 25,1868	15	80	Extending time for completion of road.
										Apr. 10,1869	16	47	Providing for sale of lands to actual settlers, etc.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route: Houston to western boundary of State, Aug. 11, 1866.	Aug. 23, 1866	May 22, 1891.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	1,571,259.11	457,757.45	279.37	149.35	130.02	130.02	None.	Completed from Houston to Winnebago City within time required, and from thence to Airlie on western boundary of State after that time. Road owned and operated by Chicago, Milwaukee and Saint Paul Rwy. Co. (See opinion of Attorney-General, Nov. 29, 1879, 16 Opin., 397, relative to failure to construct upon line of original location.)
Definite location: Sec. 21, T. 104, R. 37, to Sec. 20, T. 119, R. 46, Dec. 10, 1866.	Apr. 26, 1867.											
Sec. 21, T. 104, R. 37, to Sec. 2, T. 103, R. 18, Dec. 10, 1866.	Apr. 26, 1867.											
Sec. 2, T. 103, R. 18, to Sec. 22, T. 104, R. 8, Feb. 11, 1867.	Apr. 26, 1867.											
Houston to Sec. 22, T. 104, R. 8, Feb. 11, 1867.	Apr. 26, 1867.											
Sec. 4, T. 104, R. 39, to west line of State, May 4, 1871.	May 17, 1871. All lands within limits.											
General route July 11, 1866. Definite location June 26, 1867.	July 12, 1866; Apr. 22, 1868. All lands in limits of grant.	.....do.....	.....do.....	.....do.....	1,250,528.78	377,776.15	202.1	74	128.1	128.1	None.	Extends from Hastings to Ortonville on western boundary of State. Completed from Hastings to Glencoe within time required. Road owned and operated by Chicago, Milwaukee, and Saint Paul Rwy. Co.
March 28, 1870.	Apr. 8, 1870	Dec. 15, 1887	.....do.....	.....do.....	1,350,381.03	462,933.24	226	226	None	None.	None.	Extends from Elwood, Kans., to junction with Burlington and Missouri River R. R. at Hastings, Nebr. Road owned and operated by Saint Joseph and Grand Island R. R. Co. (See decision of Supreme Court in case of Van Wyck *v.* Knevals, 106 U. S., 360.)
General route: Roseville to Salt Creek, Sept. 13, 1867.	Oct. 29, 1867.	Aug. 15, 1887.	.....do.....	.....do.....	3,266,728.55	3,154,994.16	304	152	152	152	None.	From junction with Central Pacific R. R. at Roseville, Cal., to junction with Oregon and California R. R. at Oregon State line. Completed from Roseville to Redding within time required. But 192 miles have been accepted by president.
Definite location: Chico to Sesma, Sept. 6, 1871.	Oct. 6, 1871.											
Sesma to north line of T. 46 N., R. 5 W., M. D. M., Aug. 7, 1871.	Aug. 25, 1871.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
58													
59	July 25, 1866	14	239	From Portland, Oreg., to south boundary of Oregon, to connect with California and Oregon R. R.	Odd sections to amount of ten sections per mile on each side of road.	Thirty miles on each side of road.	Oregon Central R. R. Co., a company designated by legislature of Oregon.		No subdivision. Present owners, Oregon and California R. R. Co.	June 25, 1868	15	80	Extending time for completion of road.
										Apr. 10, 1869	16	47	Providing for sale of lands to actual settlers, etc.
										Apr. 30, 1908	35	571	Authorizing suit to forfeit grant.
										Aug. 20, 1912	37	320	Authorizing compromise of suit in part.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Definite location: North line of T. 46 N., R. 5 W., M. D. M., to northern boundary of California, Aug. 30, 1884.	Feb. 9, 1885.											
Constructed road: Junction with C. P. R. R., to Chico, Sept. —, 1871.	Apr. 8, 1871.											
Chico to 97 1/10 mile post, Jan. 29, 1874.	Oct. 6, 1871.											
97 1/10 mile post to 117 1/10 mile post, Feb. 9, 1876.	Feb. 25, 1876.											
117 1/10 mile post to Sec. 33, T. 32 N., R. 5 W., M. D. M., May 7, 1878.	June 10, 1878.											
East Portland to Jefferson, in 10 S., 3 W., Jan. 29, 1870.	Jan. 31, 1870.	Aug. 15, 1887.	By order of the Secretary of the Interior.	Practically adjusted, but not closed.	3,821,901.80	2,765,677.10	360	197	163	163	None.	Extends from Portland, Oreg., to junction with California and Oregon R. R. at California State line. Completed from Portland to Roseburg within time required. Road between Ashland and State line, 49 miles, has not been accepted by president.
Jefferson to 27 S., 6 W. (2 maps), Mar. 28, 1870.	Apr. 7, 1870, and July 12, 1870.											
27 S., 6 W., to Sec. 30, 30 S., 5 W., Jan. 7, 1871.	Mar. 31, 1871.											
Sec. 19, 27 S., 5 W., to station 1208 in Sec. 5, 30 S., 5 W., and showing amended line from station 1154, in Sec. 23, 29 S., 5 W., to station 1320x50, Sec. 6, 30 S., 5 W. Apr. 8, 1882, returned to secretary with report, and received back June 2, 1883.	July 5, 1883.											
Station 1320x50, Sec. 6, 30 S., 5 W., to station 2376x50, T. 31 S., 7 W., Apr. 6, 1882; other notes same as preceding.	July 5, 1883.											
Station 2376x50 to Sec. 33, 34 S., 6 W., Aug. 24, 1882, same notes as above.	July 5, 1883.											
33, 34 S., 6 W., to 21, 36 S., 3 W., June 6, 1883.	July 5, 1883.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
59													
60	July 27, 1866	14	292	From States of Missouri and Arkansas to the Pacific Coast, with branch from Canadian River, eastwardly to western boundary of Arkansas, at or near Van Buren.	Odd sections to the amount of 20 sections per mile on each side of road through Territories and 10 sections per mile through States.	30 miles in States and 50 miles in Territories on each side of road.	Atlantic and Pacific R. R. Co.		In Missouri grant is owned by Saint Louis and San Francisco R. R. Co.; balance is owned by the Santa Fé Pacific R. R. Co.	Apr. 21, 1871	17	19	Authorizing company to mortgage its road.
										July 6, 1886	24	123	Forfeiting grant opposite uncompleted road.
										Mar. 3, 1897	29	622	Defines rights of purchasers under mortgages authorized by act of Apr. 20, 1871.
										June 27, 1902	32	405	Authorizes Santa Fé Pacific Co. to sell or lease its railroad property and franchises, etc.
										Apr. 28, 1904	33	556	Relief of small-holding settlers in New Mexico.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
21, 36 S., 3 W., to south line of 32, 37 S., 1 W., July 3, 1883.	Sept. 3, 1883.											Extends from Portland, Oreg., to junction with California and Oregon R. R. at California State line. Completed from Portland to Roseburg within time required. Road between Ashland and State line, 49 miles, has not been accepted by president.
South line of 32, 37 S., 1 W., to east line of 25, 39 S., 1 E., Sept. 6, 1883.	Oct. 27, 1883.											
25, 39 S., 1 E., to north line of 30, 40 S., 2 E., Aug. 2, 1883.	Oct. 27, 1883.											
30, 40 S., 2 E., to southern boundary of State, in Sec 13, T. 41 S., R. 1 E., Aug. 18, 1884.	Dec. 19, 1884.											
Springfield, Mo., to west line of State, Dec. 17, 1866.	Feb. 14, 1867, and Apr. 30, 1867.	Aug. 13, 1887.	By order of Secretary of the Interior.	Not adjusted.	14,539,804.69	4,365,970.04						Main line.
							89	89				Missouri.
							355	36	50	319	269	Indian Territory.
							200	.....	.....	200	200	Texas.
							416	.....	167	416	249	New Mexico.
							383	.....	383	383	.....	Arizona.
							686	.....	.....	686	686	California.
Missouri State line to Kingfisher Creek, Indian Territory, Dec. 2, 1871.	None.						2,129	125	600	2,004	1,404	
Van Buren, Ark., to Canadian River, Indian Territory (branch), Dec. 2, 1871.	Mar. 3, 1872.											Branch from Van Buren, Ark., to main line in valley of Canadian River.
							5	.....	.....	5	5	Arkansas.
							295	.....	.....	295	295	Indian Territory.
							300	.....	.....	300	300	
Point last named to junction with main line (branch), Feb. 7, 1872.	None.											The mileage here given is that of said road as originally located from Springfield, Mo., to San Francisco, Cal., and from Van Buren, Ark., to main line. Road was completed from Springfield, Mo., to Vinita, Ind. Ter., within time required; from Vinita 50 miles westwardly, and from Isleta, N. Mex., to the Colorado River after that time. (See forfeiting act, July 6, 1886; also decision of Department, 4 L. D., 458.)
Kingfisher Creek to eastern boundary of New Mexico, Feb. 7, 1872.	None.											
Through New Mexico, Mar. 12, 1872.	May 8, 1872.											
Through Arizona, Mar. 12, 1872.	May 17, 1872.											
San Francisco to San Miguel Mission, Mar. 12, 1872.	Apr. 22, 1872.											
Western line Los Angeles County to T. 7 N., R. 7 E., S. B. M., Mar. 12, 1872.	Apr. 22, 1872.											
San Miguel Mission to western line Los Angeles County, Aug. 15, 1872.	Nov. 23, 1874.											
T. 7 N., R. 7 E., S. B. M. to Colorado River, Aug. 15, 1872.	Nov. 23, 1874.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

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										Date of act.	Statutes.	Page.	Object of act.
61	July 27, 1866	14	292	From connection with Atlantic and Pacific R.R. Co. near eastern boundary of California to San Francisco.	Odd sections to the amount of 20 sections per mile on each side of road through Territories and 10 sections per mile through States.	30 miles in States and 50 miles in Territories on each side of road.	Southern Pacific R. R. Co.	.....	No subdivision. Present owner, original grantee.	July 25, 1868	15	187	Extending time for completion of road.
										June 28, 1870	16	382	Authorizing company to construct road and receive patents along the designated route indicated by map filed in General Land Office Jan. 3, 1887.
										Sept. 29, 1890	26	496	Forfeits grant between Alcalde and Tres Pinos, Cal.

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route: San Francisco to the Colorado River, Jan. 3, 1867.	Mar. 22, 1867	Aug. 15, 1887	By order of Secretary of the Interior.	Not adjusted	4,968,096.10	3,678,549.83	579.52	231.92	263.60	347.60	84	Mileage here given covers road from San José, Cal., to Needles, on the Colorado River. Company is not asserting any claim to grant between San José and San Francisco. Road completed from San José to Tres Pinos, 50 miles, and from Huron to Mojave, 182 miles, within time required, and from Mojave to the Colorado River after that time. Uncompleted from Tres Pinos to Alcalde. Department has accepted road as constructed from Mojave to Needles, Cal. Map showing constructed road east of Mojave filed in Department Jan. 7, 1885. See 25 L. D., 223.
Constructed road: San José to Gilroy, Aug. 7, 1871.	Sept. 12, 1871											
From Gilroy southward, 20 miles, Oct. 26, 1871.	Dec. 13, 1871											
From Goshen to NW. ¼ Sec. 30, T. 21 S., R. 25 E., M. D. M., Oct. 3, 1872.	Aug. 30, 1873											
NW. ¼ Sec. 30, 21 S., 25 E., M. D. M., to NW. ¼ Sec. 2, 25 S., 25 E., M. D. M., Aug. 11, 1873.	Do.											
NW. ¼ Sec. 2, 25 E., M. D. M., to NE. ¼ Sec. 9, 28 S., 26 E., M. D. M., Oct. 27, 1874.	Nov. 27, 1874											
Mojave to Needles, Jan. 7, 1885 (see 25 L. D., 223).												
NE. ¼ Sec. 9, 28 S., 26 E., M. D. M., to NE. ¼ Sec. 5, 30 S., 29 E., M. D. M., Aug. 26, 1875.	Oct. 26, 1875											
NE. ¼ Sec. 5, 30 S., 29 E., M. D. M., to SE. ¼ Sec. 33, 30 S., 31 E., M. D. M., June 19, 1876.	Aug. 8, 9, 1876											
Goshen to NE. ¼ Sec. 2, 19 S., 20 E., M. D. M., Jan. 27, 1877.	Mar. 13, 1877											
NE. ¼ Sec. 2, 19 S., 20 E., M. D. M. to NW. ¼ Sec. 11, 20 S., 17 E., M. D. M., Feb. 22, 1877.	Do.											
Sec. 33, 30 S., 31 E., M. D. M., to Mojave, Feb. 17, 1878.	June 13, 1878.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
61													
62	May 4, 1870	16	94	From Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill River, near McMinnville.	Twenty miles on each side of road. Odd sections.	Twenty-five miles on each side of road.	Oregon Central R. R. Co.		No subdivision. Present owner, Oregon and California R. R. Co.	Jan. 31, 1885	23	296	Declaring forfeiture of all lands coterminous with uncompleted portions of road and not within grant for completed portion.
63	Mar. 3, 1871	16	573	From a point at or near Tehachapa Pass, via Los Angeles, Cal., to the Texas Pacific R. R. at or near the Colorado River.	Odd sections within 20 miles on each side of road.	Thirty miles on each side of road.	Southern Pacific R. R. Co.		No subdivision. Present owner, original grantee.				

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
Construction roads: Seventeenth Section NW. ¼ 11-20, Sec. 17 E., to NE. ¼ 23-21, Sec. 14 E., Alcalde to Huron, Nov. 12, 1889.												
May 17, 1871, from Portland to McMinnville, and from Forest Grove to Caster Creek.	July 14, 1871.	.....	By order of the Secretary of the Interior, issued under forfeiting act.	Practically adjusted, but not closed.	397,602.16	128,618.13	144.5	47.5	.....	97	97	Completed from Portland, via Forest Grove, to McMinnville within time required. Grant for remainder of road forfeited.
February 2, 1872, from Caster Creek to Astoria.	Apr. 24, 1872, all lands within limits.											
General route: Tehachapa Pass, via Los Angeles, to the Texas Pacific R. R., at or near the Colorado River, Apr. 3, 1871.	Apr. 21, 1871.	Aug. 15, 1887.	By order of the Secretary of the Interior.	Not adjusted.	4,044,050.54	1,451,281.08	346.97	346.97	None.	None.	None.	From Mojave, Cal., via Los Angeles, to Colorado River at Yuma.
Constructed road: NW. ¼ Sec. 3, T. 2 N., R. 15 W., S. B. M., to NE. ¼ Sec. 27, 1 S., 9 W., S. B. M., May 11, 1874.	Sept. 17, 1874.											
NE. ¼ Sec. 27, 1 S., 9 W., S. B. M., to SW. ¼ Sec. 4, T. 3 S., R. 1 W., S. B. M., Nov. 15, 1875.	Dec. 20, 1875.											
SW. ¼ Sec. 4, T. 3 S., R. 1 W., S. B. M., to SW. ¼ Sec. 24, T. 5 S., R. 7 E., S. B. M., July 24, 1876.	Aug. 19, 1876.											
NW. ¼ Sec. 3, T. 2 N., R., 15 W., S. B. M., to NE. ¼ Sec. 17, T. 11 N., R. 12 W., S. B. M., Mar. 6, 1877.	Mar. 27, 1877.											
SW. ¼ Sec. 24, T. 5 S., R. 7 E., S. B. M. to SE. ¼, Sec. 26, T. 16 S., R. 22 E., S. B. M., Jan. 31, 1878.	Apr. 9, 1878.											

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
64	Mar. 3,1871	16	573	From New Orleans to Baton Rouge, and thence by way of Alexandria to connect with the Texas Pacific Railroad at the eastern terminus.	Odd sections within 20 miles on each side of road.	Thirty miles on each side of road.	New Orleans, Baton Rouge and Vicksburg R. R.	.....	No subdivisions. New Orleans Pacific R. R.	Feb. 8,1887	24	391	Confirms grant of Mar. 3, 1871, for N. O., B. R. & V. R. R. Co. to New Orleans. Pacific Company lying west of Mississippi River and between White Castle and Shreveport, forfeits all east of river and between New Orleans and White Castle, and protects actual settlers.
										Apr. 14,1890	29	91	For relief of settlers on lands in indemnity limits.
				Total.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

NOTE.—The act of June 22, 1874 (18 Stat., 194), provides for the relinquishment by railroad companies in favor of settlers of lands granted to them, with right of selection in lieu of lands relinquished.

NOTE.—The act of Sept. 29, 1890 (26 Stat., 496), forfeited all railroad grants opposite unconstructed roads.

FORFEITED RAILROAD GRANTS.

1	June 29,1854	10	302	From southern line of Territory between ranges 9 and 17 via Saint Paul to eastern line of Territory in direction of Lake Superior.	Odd sections within 6 miles of road.	Fifteen miles on each side of road.	Territory of Minnesota.	Minnesota and Northwestern R. R. Co.	.....	Aug. 4,1854	10	575	Repealing granting act.
2	June 3,1856	11	17	From Elyton to Beards Bluff.	.....do.....	.....do.....	State of Alabama.	None, so far as known to General Land Office.	.....	July 10,1886	24	140	Declaring forfeiture of grant.
3	June 3,1856	11	17	From Memphis, Tenn., to Stevenson, Ala.	.....do.....	.....do.....							
4	June 3,1856	11	18	From New Orleans to Mississippi State line in direction of Jackson.	.....do.....	.....do.....	State of Louisiana.	.....do.....	.....	July 10,1886	24	140	.....do.....
5	Aug. 11,1856	11	30	From Tuscaloosa to the Mobile and Ohio R. R.	Same. Even sections.	.....do.....	State of Mississippi.						
6	Aug. 11,1856	11	30	From Mobile to New Orleans.	.....do.....	.....do.....	States of Alabama, Mississippi, and Louisiana, respectively	.....do.....	.....	July 10,1886	24	140	.....do.....
7	Mar. 3,1857	11	195	From the Chattahoochee River to Mobile, with branch from Eufaula to Montgomery.	Same. Odd sections.	.....do.....	State of Alabama.	.....do.....	.....	July 19,1886	24	140	.....do.....
8	July 4,1866	14	83	From Pilot Knob to southern boundary of Missouri.	Odd sections within 10 miles.	Twenty miles on each side of road.	State of Missouri.	Saint Louis and Iron Mountain R. R. Co.	.....	June 28,1884	23	61	.....do.....
9	July 4,1866	14	83	From southern terminus of above road to Helena, Ark.	.....do.....	.....do.....	State of Arkansas.	State never availed itself of this grant.	.....	None.....	.....	.....	.....
10	July 13,1866	14	94	From Folsom to Placerville, Cal.	Ten sections per mile on each side of road.	None.....	Placerville and Sacramento Valley R. R. Co	.....	.....	Apr. 15,1874	18	29	Declaring forfeiture of grant.

Improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted. Sept. 29, 1890.	Remarks.
General route:												
Baton Rouge to Shreveport, Nov. 11, 1871.	Nov. 29, 1871.	Oct. 15, 1883.	By order of the Commissioner of the General Land Office	Practically adjusted, but not closed.	2,746,954.22	1,001,783.27	260	None.	260	260	None.	Mileage here given covers road from White Castle to Shreveport. Company waived and surrendered all its claim to the grant between White Castle and New Orleans, and Congress subsequently declared same forfeited.
New Orleans to Baton Rouge, Feb. 13, 1873.	Mar. 27, 1873.											
Definite location Oct. 27, 1881, Nov. 17, 1882.	Oct. 15, 1883.	Aug. 15, 1887.	By order of the Secretary of the Interior.									
					158,293,376.84	116,512,261.65	21,510.24	14,184.13	4,514.24	7,326.11	2,811.87	

FORFEITED RAILROAD GRANTS.

None	July 15, 1854. All lands within supposed limits.	Oct. 9, 1854	By order of Commissioner of General Land Office.								See decision of Supreme Court of United States in case of Rice *vs.* Railroad Co. (1 Black, 360), sustaining repealing act.
None	June 19, 1856. All lands within supposed limits.	Feb. 19, 1885. As to lands along Memphis road.	do								Withdrawal for Elyton and Beards Bluff road ignored since war of 1861.
None	June 16, 1856. All lands within supposed limits.	July 27, 1857	do								
None	Aug. 15, 1856. All lands within supposed limits.	None									Withdrawal ignored since war of 1861.
None	Apr. 21, 1857. All lands within supposed limits.	None									Do.
Apr. 23, 1870.	Apr. 28, 1870. All lands within limits.	Mar. 24, 1885.	By order of Commissioner of General Land Office under forfeiting act.				97.84	20	77.84	77.84	None.
None	None										
June 26, 1867.	June 26, 1871, and Aug. 29, 1867. All lands within 20 miles.	Apr. 27, 1874.									

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

FORFEITED RAILROAD GRANTS—Continued.

Chronological number.	Date of grant.	Statutes.	Page.	Route of road.	Extent of grant in place.	Extent of indemnity limits.	Grantee.	Grantee of State.	Subdivisions of grant and present owners.	Additional legislation affecting but not increasing grant.			
										Date of act.	Statutes.	Page.	Object of act.
11	July 25, 1866	14	236	From eastern terminus of Union Pacific R. R. on a line between Kansas and Missouri, southwardly, through eastern tier of counties of Kansas to a junction with a railroad in course of construction at or near Preston, in Texas.	Same. Odd sections.	Twenty miles on each side of road.	State of Kansas.	Kansas and Neosho Valley R. R. Co.	No subdivisions. Present owner of road, Kansas City, Fort Scott and Gulf R. R. Co.	Mar. 3, 1877	19	404	Repealing sections 1, 2, 3, 4, and 5 of granting act, securing rights of settlers and releasing company from obligations.
12	Mar. 2, 1867	14	548	From Stockton to Copperopolis, Cal.	Five sections per mile on each side of road.	.....do.....	Stockton and Copperopolis R. R. Co.	.....	.....	June 15, 1874	18	72	Declaring forfeiture of grant.
13	Mar. 3, 1871	16	573	From at or near Marshall, Tex., to El Paso; thence by the most direct and practicable route to San Diego, Cal.	Twenty sections per mile on each side in Territories and ten in State of California.	Fifty miles on each side of road in Territories and thirty in State of California.	Texas Pacific R. R. Co.	.....	Marshall, Tex., to El Paso, Tex., Texas and Pacific Rwy. Co.	May 2, 1872	17	59	Changing name of company to "The Texas and Pacific Railway Company," authorizing issue of bonds and extending time for completion.
									Texas and Pacific Rwy. Co assigned grant from El Paso to Colorado River to the Southern Pacific R. R. companies of New Mexico and Arizona, respectively, and from Colorado River to San Diego to Los Angeles and San Diego R. R. Co. (See Senate Ex. Doc. No. 27, 48th Cong., first session.)	June 22, 1874	18	197	Relative to mortgage.
										Feb. 28, 1885	23	337	Declaring grant forfeited to the United States, and restoring lands to public domain.
14	June 3, 1856	11	21	From Ontonagon, Mich., to the Wisconsin State line.	Odd sections within 6 miles of road.	Odd sections within 15 miles of road.	State of Michigan.	Ontonagon and Brule River R. R. Co.	No subdivision. No change of ownership known to this office.	Mar. 2, 1889	25	1008	Forfeiting grant opposite unconstructed portion of road.
15	June 3, 1856	11	17	From near Gadsden to some point on the Alabama and Mississippi State line in the direction of the Mobile and Ohio R. R.	.....do.....	.....do.....	State of Alabama.	Coosa and Chattooga R. R. Co.	From Gadsden through Chattooga Valley to Georgia State line. No company claiming grant is known to General Land Office.	Sept. 29, 1890	26	496	Declaring forfeiture of grant.
				Total.....									

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

FORFEITED RAILROAD GRANTS—Continued.

Date of definite location.	Date and extent of withdrawal.	Date of restoration of indemnity lands.	Manner of restoration.	Condition of grant.	Estimated area of grant in acres.	Number of acres certified or patented to June 30, 1914.	Length of road in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.	Remarks.
June 27, 1868.	June 12, 1869, and Oct. 19, 1869. All lands within 20 miles of road.	Dec. 28, 1878.	By order of the Secretary of the Interior.	.....	.....	526.94	160	160	None.	.....	.....	Road in Indian Territory built by Missouri, Kansas and Texas Rwy. Co. (see road No. 46). This company received patents for 21,341.77 acres of land, all of which was reconveyed to the United States Apr. 26, 1877, under act of Mar. 3, 1877, except 526.94 acres, for which it paid into the United States Treasury $1,498.80, the amount realized from the sale of said 526.94 acres.
Oct. 18, 1867.	June 3, 1871, and Oct. 26, 1867. All lands within 20 miles of road.	July 9, 1874.	By order of Commissioner of General Land Office under forfeiting act.	.....	.....	.....	.....	.....	.....	.....	.....	
General route: El Paso, Tex., to San Diego, Cal., Sept. 2, 1871.	Sept. 27, 1871, Nov. 16, 1871, and Nov. 22, 1871. Granted limits only.	Indemnity lands not withdrawn. Granted lands restored Mar. 17 and Apr. 4, 1885.	.....	.....	.....	.....	1,483	705	None.	778	778	Completed road extends from Marshall, Tex., to junction with the Galveston, Harrisburg and San Antonio R. R. at Sierra Blanca, about 90 miles east of El Paso. No portion of the road in any land-grant State or Territory has been completed.
Nov. 30, 1857	May 30, 1856, all lands within limits.	June 15, 1868.	By order of Commissioner of the General Land Office.	.....	.....	34,227.08	75	None.	20	75	55	
Sept. 20, 1858.	June 19, 1856, Feb. 13, 1857. All lands within 15-mile limits.	No withdrawal of indemnity lands has been recognized since the war of 1861.	.....	.....	.....	.....	37.5	None.	None.	37.5	37.5	From Gadsden to Georgia State line.
.....	.....	.....	.....	.....	.....	34,754.02	1,853.34	885.00	97.84	968.34	870.50	

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

CANAL GRANTS.

Chronological number.	Date of grant.	Statute.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
1	Mar. 2, 1827	4	236	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie.	A quantity of lands equal to one-half of five sections in width on each side of canal.	State of Indiana	General Land Office dealt entirely with State in adjustment of grant.
1a	May 29, 1830	4	416	do	Granting 29,528.78 acres to be selected in lieu of a like quantity theretofore disposed of by the United States.	do	do
1b	Feb. 27, 1841	5	414	Same as above, but relating to that part of canal between Tippecanoe Creek and Terre Haute.	Quantity equal to one-half of five sections in width on each side of canal between points named, with right to select other lands in lieu of those disposed of by the United States.	do	do
1c	Aug. 29, 1842	5	542	In aid of that part of canal covered by act of 1827.	Authorizing selection of 24,219.14 acres in lieu of lands covered by Miami Indian Reservation.	do	do
1d	Mar. 3, 1845	5	731	To aid in extending and completing the Wabash and Erie Canal from Terre Haute to the Ohio River at Evansville.	One moiety of the lands remaining unsold in a strip 5 miles in width on each side of canal, together with one moiety of all other unappropriated lands in the Vincennes land district.	do	do
1e	May 9, 1848	9	219	For entire length of canal as above described.	Authorizing State to select a quantity of land which, together with the land already received, will make the full amount equal to one-half of five sections in width on each side of canal.	do	do
2	Mar. 2, 1827	4	236	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie (so far as the same is in the State of Ohio).	A quantity of land equal to one-half of five sections in width on each side of canal.	do	State of Ohio, by joint resolution of State of Indiana approved Feb. 1, 1834.
3a	June 30, 1834	4	716	do	Authorizing State of Ohio to select a quantity of lands equal to the quantity of lands included in above grant previously sold by the United States.	State of Ohio	
2b	Aug. 31, 1852	10	143	do	Section 3, authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 19, 1848.	do	

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

CANAL GRANTS.

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Mar. 26, 1824	4	47	Authorizing State to locate canal to connect the navigation of the rivers Wabash and Miami of Lake Erie, and granting right of way 90 feet in width on each side of canal.	None		1,480,408.87	The length of the canal from the Ohio State line to Evansville, Ind., as shown by the official maps on file in the General Land Office, is as follows: From the Ohio State line to Terre Haute..... 225 miles. From Terre Haute to Evansville..... 144 miles. Total..... 369 miles. A map showing the location of the canal from the Ohio State line to the mouth of Tippecanoe Creek appears to have been filed in the General Land Office with letter from D. Burr, president of Board of Commissioners, dated Oct. 9, 1829, but this map can not now be found in the files of the office. The map now on file showing the location of the canal from the Ohio State line to Terre Haute was received in the General Land Office with letter from Hon. Thomas H. Blake, dated Dec. 26, 1848. The map showing the location of the canal from Terre Haute to Evansville was received in the General Land Office with letter from James H. Whitcomb, Esq., dated Dec. 29, 1845. In the final adjustment of the grant under the act of 1848, which act the General Land Office appears to have construed as applying only to that part of the canal which lies between the Ohio State line and Terre Haute, the State was allowed five sections per mile for each mile of canal between said points. In addition it was held that as the act of 1824 reserved a strip 90 feet in width on each side of the canal in perpetuity, the State lost the fee to that extent as to any of the alternate sections covered by the grant of 1827, and was entitled to other lands in lieu of the strip thus reserved. See letter from Commissioner of General Land Office to Secretary of the Interior of Feb. 23, 1850, Mis. Record 28, N. S., p. 344. With reference to the right of way granted by the act of 1824, diligent search in the records of the General Land Office fails to show that any reservation of such right of way was ever made. See opinion of Attorney-General, Jan. 16, 1879 (16 Opinions, p. 250), holding that the grant of 90 feet on each side of the canal is a grant not of the land but of an easement therein, and that the purchaser or grantee of the Government took the title subject to such easement, unless the same was excepted out of the patent. See also opinion of Attorney-General, Nov. 15, 1849 (5 Opinions, p. 179), that State was entitled to lands for navigable feeders, and letter of Commissioner of General Land Office to Hon. Thos. H. Blake, Nov. 24, 1849 (Mis. Rec. 27, N. S., p. 208), holding that there were no "navigable feeders" within the meaning of that term as used by the Attorney-General. Under the act of 1845, extending the grant from Terre Haute to Evansville, the State appears to have been allowed to select one moiety of the unappropriated lands within a strip 5 miles in width on each side of the canal, and, in addition, one moiety of all the unappropriated lands in the Vincennes district. See letter of Commissioner General Land Office to Secretary of the Interior, Mar. 16, 1852.
Mar. 26, 1824	4	47	Authorizing State to locate canal to connect the navigation of the rivers Wabash and Miami of Lake Erie, and granting right of way 90 feet in width on each side of canal.	June 17, 1833. All lands within 5 miles of the Miami (Maumee) River.	Not known. Grant has long been treated as satisfied and closed.	265,815.45	The length of the canal from the Indiana State line to Perrysburgh is 91 miles. Map thereof was filed in the General Land Office with letter from the governor of Ohio dated June 11, 1834.
May 24, 1828	4	305	Section 4, authorizing State of Indiana to relinquish and convey grant to State of Ohio.	Aug. 27 1836. All lands within 5 miles on each side of canal.	do		The grant was adjusted upon the principle which governed the adjustment of the grant to Indiana for the Wabash and Erie Canal, between the Ohio State line and Terre Haute. See letter from Commissioner General Land Office to Secretary of the Interior dated Dec. 6, 1850, Mis. Rec., N. S., vol. 30, p. 528; Secretary's reply of Dec. 10, 1850, and act of Aug. 31, 1852.
Mar. 2, 1855	10	634	Confirming selections made for benefit of canal.				

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

CANAL GRANTS—continued.

Chronological number.	Date of grant.	Statutes.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
3	Mar. 2, 1827	4	234	To aid in opening a canal to unite the waters of the Illinois River with those of Lake Michigan.	Quantity of land equal to one-half of five sections in width on each side of canal.	State of Illinois	General Land Office dealt entirely with State in adjustment of grant.
3a	Aug. 29, 1842	5	542	do	Authorizing State to select 5,760 acres in lieu of certain lands previously disposed of by the United States.	do	
3b	Aug. 3, 1854	10	344	do	Authorizing State to select balance of land due, the quantity to be ascertained upon the principles which governed the grant to the State of Indiana, under act of May 9, 1848.	do	
4	May 24, 1828	4	305	To aid in extending the Miami Canal from Dayton to the Maumee River at the mouth of the Auglaize River.	Quantity equal to one-half of five sections in width on each side of said canal.	State of Ohio	General Land Office dealt entirely with State in adjustment of grant.
4a	Apr. 2, 1830	4	393	do	Authorizing State to select other lands in lieu of lands sold by the United States.		
4b	Aug. 31, 1852	10	143	do	Section 3, authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 19, 1848.		
4c	Mar. 2, 1855	10	634	do	Confirmed selections made by State.		
5	May 24, 1828	4	305	Sec. 5. To aid in the construction of canals in the State of Ohio.	Five hundred thousand acres, to be selected from lands subject to private entry.	do	do
6	June 18, 1838	5	245	To aid in opening a canal to unite the waters of Lake Michigan, at Milwaukee, with those of Rock River, between the point of intersection with said river, of the line dividing townships seven and eight, and the Lake Koshkonong.	All unappropriated lands in sections designated by odd numbers, within the breadth of five full sections, taken in north and south or east and west tiers on each side of canal.	Territory and State of Wisconsin. Grant to vest in State when admitted into the Union.	Milwaukee and Rock River Canal Co.
7	Aug. 26, 1852	10	35	To aid in construction of a ship-canal around the falls of the St. Mary's River.	Seven hundred and fifty thousand acres, to be selected from public lands in the State of Michigan, subject to private entry.	State of Michigan	General Land Office dealt entirely with State in adjustment of grant.
8	Mar 3, 1865	13	519	To aid in construction of breakwater and harbor and ship-canal through any public lands upon the neck of land known as "The Portage."	Two hundred thousand acres, to be selected from public lands in odd sections, subject to private entry, nearest the location of the canal.	do	Portage Lake and Lake Superior Ship-Canal Co., now the Lake Superior Ship-Canal Railway and Iron Co.
8a	July 3, 1866	14	81	do	Two hundred thousand acres in addition to land granted by act of 1865—150,000 acres to be selected from odd, and 50,000 from even sections in upper peninsula of Michigan to which right of pre-emption or homestead has not attached.	do	do
9	Apr. 10, 1866	14	30	To aid in construction of breakwater and harbor and ship-canal to connect the waters of Green Bay with those of Lake Michigan.	Two hundred thousand acres, to be selected from public lands in odd sections, subject to private entry, nearest the location of the canal	State of Wisconsin	Sturgeon Bay and Lake Michigan Ship-Canal and Harbor Co.
10	July 3, 1866	14	80	To aid in the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle	One hundred thousand acres, to be selected from the odd-numbered sections nearest the location of the canal to which the right of pre-emption or homestead has not attached.	State of Michigan	Lac La Belle Harbor Improvement Co.
				Total			

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

CANAL GRANTS—continued

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Mar. 30, 1822	3	659	Authorizing State to survey and locate canal, and granting right of way 90 feet in width on each side of same.	None			Length of canal from Illinois River, near Peru, to Lake Michigan at Chicago is 101.35 miles. Map of canal filed in General Land Office, with letter from governor of Illinois, dated Dec. 25, 1829.
Mar. 2, 1833	4	662	Authorizing State to use lands granted by act of 1827, for purpose of constructing a railroad instead of a canal, and extending time for completion.			324,282.74	Grant adjusted upon the principle which governed the adjustment of the grant to the State of Indiana for the Wabash and Erie Canal between the Ohio State line and Terre Haute. See act of Aug. 3, 1854, and letter of Commissioner of General Land Office to governor of Illinois, under date of Aug. 24, 1854, vol. 40, Mis. Rec., p. 456.
Mar. 2, 1833	4	662	Extending time for completion.	Sept. 28, 1828. Five miles on each side of Auglaize River from its head to its mouth.	Jan. 6, 1845	438,301.32	Length of canal from Dayton to the Maumee River at Defiance (mouth of Auglaize River) is 127.63 miles.
Feb. 18, 1905	33	721	Granting lands flooded for reservoir purposes.				Map filed in General Land Office with letter from Samuel Forrer, Engineer, dated May 10, 1832. In the adjustment of this grant the State was allowed to select a quantity equal to one-half of the area of the lands within 5 miles of the canal, amounting to 377,967.57 acres. See letter from Commissioner General Land Office to Secretary of the Interior under date of May 17, 1851 (Misc. Rec., N. S., vol. 32, p. 182), and Secretary's reply of June 17, 1851. In addition to the quantity in place the State selected 60,333.75 acres, which selections were confirmed by the act of Mar. 2, 1855.
				None		499,997.12	
Mar. 3, 1847	9	178	Providing that liabilities incurred by Territory shall be paid and discharged by State, and that even-numbered sections along line of canal shall be sold at the same minimum price as other public lands of the United States.	July 3, 1838, and Sept. 11, 1838. All lands within probable limits.	Apr. 20, 1840. All lands outside fixed limits, and even sections within those limits, the latter at $2.50 per acre. See Proc. 290.	138,995.99	Map of canal filed in General Land Office, with letter from governor of Territory, dated May 16, 1839. The State having failed to construct the canal, the lands were treated as having reverted to the United States. The State, however, having sold 125,431.82 acres, the lands thus sold were charged to her 5 per cent fund, at the rate of $2.50 per acre; the remaining lands, amounting to 13,564.17 acres, were charged to the Internal Improvement grant of Sept. 4, 1841. See Opinions of Attorney-General, July 24, 1852 (5 Opin., 574), and Sept. 18, 1854 (6 Opin., 732).
May 29, 1848	9	233	....do				
July 1, 1864	13	413	Providing that the lands sold by the State should be charged to her 5 per cent fund, at the rate of $1.25 per acre.				The joint resolution of July 1, 1864, however, provided that the lands sold by the State should be charged to her 5 per cent fund, at the rate of $1.25 per acre, and that the State should be credited with the amount legally applied towards the cost of selling the lands and constructing the canal.
None				None		750,143.03	
Apr. 10, 1869	16	55	Extending time for completion	May 26, 1865. All lands in odd-numbered sections in upper peninsula west of range 21 W. and north of town. 40 N.	June 15, 1868. See notice No. 727. Dec. 22, 1874; Mar. 7, 1879.	400,081.15	Act of 1865, 199,999.88 acres.
Mar. 2, 1871	16	599	....do				Act of 1866, 200,081.27 acres.
Mar. 27, 1872	17	44	....do				Map of canal filed in General Land Office May 1, 1865. Length of canal is about 2.25 miles. For a full statement relative to the grants for this canal, see letter from Commissioner General Land Office to Secretary of the Interior dated June 9, 1886, Annual Report General Land Office, 1886, p. 318.
Mar. 3, 1873	17	627	....do				
Mar. 1, 1872	17	32	Extending time for completion	None		199,630.98	Map showing the location of canal was filed in General Land Office, May 2, 1867, with letter from the governor of Wisconsin dated Apr. 29, 1867.
Mar. 7, 1874	18	20	....do				Mar. 10, 1883, Hon. Philetus Sawyer filed a second map showing a relocation of canal. Length of canal, according to map of 1867, is about 1.44 miles; according to map of 1873, about 1.39 miles.
None				July 14, 1866. All odd-numbered sections in upper peninsula of Michigan west of range 15 W.	June 5, 1874. Notice No. 752.	100,011.67	Length of canal, about seven-eighths of a mile.
						4,597,668.32	

Statement showing land grants made by Congress to aid in the construction of railroads, canals, and internal

RIVER IMPROVEMENT GRANTS.

Chronological number.	Date of grant.	Statutes.	Page.	Object of grant.	Extent of grant.	Grantee.	Grantee of State and present owner.
1	May 23, 1828	4	290	To aid in the improvement of the Muscle Shoals and Colbert Shoals in the Tennessee River and such other parts of said river within the State of Alabama as the legislature of said State may direct; and in certain event to aid in the improvement of the Coosa, Cahawba, and Black Warrior Rivers.	Four hundred thousand acres of relinquished lands in the counties of Madison, Morgan, Limestone, Lawrence, Franklin, and Lauderdale, in the State of Alabama.	State of Alabama	General Land Office dealt entirely with State in adjustment of grant.
2	Aug. 8, 1846	9	83	To aid in improving the navigation of the Fox and Wisconsin Rivers in the Territory of Wisconsin, and of constructing the canal to unite the said rivers at or near "The Portage."	A quantity of land equal to one-half of three sections in width on each side of the Fox River and the lakes through which it passes, from its mouth to the point where the Portage Canal enters the same, and on each side of said canal from one stream to the other.	Territory of Wisconsin; to become the property of the State of Wisconsin when admitted into the Union.	Fox and Wisconsin Improvement Company.
2a	Aug. 3, 1854	10	345	.....do.....	Authorizing adjustment upon the principles which governed the adjustment of the grant to Indiana under the act of May 9, 1848.		
2b	Mar. 3, 1855	10	724	.....do.....	Declaring that it was the intention of the act of Aug. 3, 1854, to give to the State a quantity of land equal, mile for mile of its improvements, to that granted to Indiana under act of May 9, 1848.		
3	Aug. 8, 1846	9	77	The improvement of the navigation of the Des Moines River.	An equal moiety of alternate sections of land in a strip 5 miles in width on each side of the river.	State of Iowa	General Land Office dealt entirely with State in adjustment of grant.
3a	July 12, 1862	12	543	Extended grant from Raccoon Fork to north boundary of State, for improvement of the river, and to aid in the construction of a railroad along the river bank.	Odd sections within 5 miles of river	.....do.....	Des Moines Navigation and R. R. Co., now Des Moines Valley R. R. Co.
				Total.....			

improvements, together with data relative thereto, compiled from the records of the General Land Office—Continued.

RIVER IMPROVEMENT GRANTS—continued.

Additional legislation affecting but not increasing grant.				Date and extent of withdrawal.	Date of restoration of surplus lands.	Number of acres certified in satisfaction of grant.	Remarks.
Date of act.	Statutes.	Page.	Object.				
Apr. 24, 1830	4	397	Extending time for completion..	None.....	.....	400,016.19	
Feb. 12, 1831	4	441	Authorizing State to construct canal around Muscle Shoals before completing other portion of canal.				
July 16, 1832	4	604	Authorizing State to alter the plan for improvement.				
Mar. 2, 1833	4	663	Extending powers of the board of canal commissioners.				
June 23, 1836	5	57	Authorizing State of Alabama to impose tolls on use of canal.				
May 29, 1848	9	233	Providing that reserved even-numbered sections shall be sold at the same minimum price as other public lands of the United States.	Aug. 8, 1846, lands within 3 miles; Apr. 3, 1855, notice No. 533; all lands within 5 miles.	Nov. 7, 1859; Nov. 14, 1859; notice No. 648.	683,722.43	In the adjustment of the grant of 1846, as amended by the act of Aug. 3, 1854, the State appears to have been allowed a quantity of land equal to three full sections for each mile of the Fox River and the lakes through which it passes, from its mouth to the point where the Portage Canal enters the same, and said canal from stream to stream.
Mar. 2, 1849	9	352	Confirming certain entries and authorizing State to select other lands in lieu of the lands covered thereby.				
June 9, 1858	11	313	Confirming State's selections of certain even-numbered sections.				Under the act of 1854, and resolution of 1855, the State claimed, in addition to the grant of 1846, five sections per mile for each mile of the Wisconsin River from its mouth to the Portage Canal. This claim was rejected by the Commissioner of the General Land Office Mar. 12, 1855, and his decision was affirmed by the Secretary of the Interior Mar. 26, 1855. The question was appealed to the President of the United States, who, by decision dated Feb. 11, 1857, affirmed the decision of the Secretary. For decision of the President, see Misc. Rec., vol. 49, p. 202.
Mar. 12, 1867	15	20	Extending time for completion.				
Mar. 2, 1861	12	251	Relinquished to State all the title the United States then retained in lands along the Des Moines River, and above the Raccoon Fork thereof, which had been improperly certified under the act of Aug. 8, 1846.	June 1, 1849; Apr. 6, 1850; July 26, 1851; May 18, 1860.	Not known. Grant has long been treated as satisfied and closed.	1,161,513.69	The act of 1846 did not specify any particular sections, but the State elected to take the odd.
Mar. 3, 1871	16	582	Confirmed the title of the State to certain indemnity lands which had been certified to the State for supposed losses within the grant in place, which were subsequently found not to exist.				On account of the great conflict of opinion among the executive officers of the Government, some contending that the grant terminated at the Raccoon Fork and others that it extended along the entire course of the river within the State of Iowa, the withdrawal of June 1, 1849, reserving the lands along the entire course of the river was made.
							The Supreme Court of the United States in April, 1860 (December term, 1859), in the Litchfield case (23 Howard, 66), decided that the grant did not extend above the Raccoon Fork, but the withdrawal of 1849 was continued until the act of July 12, 1862, extended the grant to the north boundary of the State.
							In Wolcott case (5 Wall., 681), Riley *vs.* Wells (December term, 1869), not reported; Williams *vs.* Baker (17 Wall., 144); Homestead Co. *vs.* Valley Railroad (17 Wall., 162), and other cases, the same court decided that the withdrawals of 1849 reserved the lands, and that the act of 1862 had the effect to give to the State all the land she originally claimed under the act of 1846. Area above Raccoon Forks 840,091.36 acres; area below Raccoon Forks 321,422.33 acres.
.....	...	...	.....	.....	.....	2,245,252.31	

RECAPITULATION—RAILROADS.

	Estimated area of grant, in acres.	Number of acres certified or patented to June 30, 1914.	Length of road, in miles.	Miles of road completed within time prescribed.	Miles of road completed after time prescribed.	Miles of road uncompleted at date entire road should have been completed.	Miles of road uncompleted Sept. 29, 1890.
Adjusted and closed.....	17,077,864.91	16,281,833.97	4,718.44	3,754.53	554.90	963.91	371.51
Practically adjusted, but not closed.....	49,235,145.81	34,066,887.95	8,580.36	6,839.68	1,356.19	1,740.68	421.99
Not adjusted.....	91,980,726.12	66,163,539.73	8,211.44	3,589.92	2,603.15	4,621.52	2,018.37
Totals.....	158,293,736.84	116,512,261.65	21,510.24	14,184.13	4,514.24	7,326.11	2,811.87

CONDITIONS IN THE UKRAINE (S. DOC. NO. 176).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a report from the Secretary of State, in response to the resolution adopted by the Senate on December 16 (calendar day December 20), 1919, requesting the State Department to transmit to the Senate such information as may be available, not inconsistent with the public interest, showing the actual condition in the Ukraine with respect to the treatment of members of the Jewish race.

WOODROW WILSON.

THE WHITE HOUSE,
12 January, 1920.

HOUSE BILL REFERRED.

H. R. 11368. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, was read twice by its title and referred to the Committee on Indian Affairs.

LUDWIG C. A. K. MARTENS.

Mr. MOSES. I offer the resolution which I send to the desk, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 277) was read, as follows:

Resolved, That the subcommittee of the Committee on Foreign Relations acting under the resolution of the Senate (S. Res. 263) agreed to on the calendar day of December 20, 1919, be, and hereby is, empowered to employ counsel.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. HITCHCOCK. Mr. President, before consent is given, I should like to have some explanation as to why counsel seems to be required.

Mr. MOSES. Mr. President, the subcommittee acting under the authority of the resolution cited held its first meeting this morning and discovered that the mass of material involved in the investigation which the Senate has already ordered is so great that no Senator could possibly give his attention to it without wholly neglecting every other duty which he owes to the Senate and to his constituents; and in order that there might be an orderly presentation of the case before the committee it was the unanimous opinion of the Senators attending the hearing this morning that this authority should be asked for.

Mr. HITCHCOCK. What sort of material is it that is before the committee? Can the Senator give us an idea?

Mr. MOSES. We have received memoranda of various sorts making various suggestions with reference to the subpœnaing of witnesses, and in a measure as to the sources from which information bearing upon this investigation may be drawn, to such a number and to such an extent that, as I have said, it would be impossible for any member of the committee to look it over even cursorily if he expected to do anything else. It was strongly the opinion of the Senators who were present this morning that if a real investigation was to be had along the lines of the resolution the committee should be aided by counsel.

Mr. HITCHCOCK. Mr. President, it seems to me that if counsel are to be employed the Department of Justice should be asked to detail a man for that purpose. I am a good deal opposed to authorizing a committee of the Senate, under circumstances like these, to employ counsel to aid it. I can hardly conceive of a set of circumstances which would justify it. I suggest to the Senator that in the case of the investigation made by the Judiciary Committee along similar lines, and of equal importance, that course was taken. The Department of Justice was asked to detail a man for that purpose.

Mr. MOSES. Mr. President, I am acting under the authority of the subcommittee in presenting this resolution, and so far as I am concerned I would rather have it encounter the opposition of the Senator from Nebraska by his refusal to unanimous consent for its consideration than to accept the suggestion which he has made. The committee feels that if it is to have counsel it should have counsel of its own choosing, in order that it might guide the course of the investigation, rather than to have it guided by any counsel who might be thrust upon it by detail from any department of the administration.

I say this without reference to the personality of whoever might be designated by the Department of Justice to assist the committee, and I say it further because there are certain trails which have already opened up in connection with certain documents already submitted to the committee which would indicate that it would be inconvenient and perhaps embarrassing if some agency of the Department of Justice were designated to direct the course of the committee so far as counsel went; and the committee feels that it should be wholly independent with reference to its counsel if the Senate is to give it authority to have counsel.

I will only add that if the Senate does not give the committee authority to employ counsel, as is suggested by this resolution, there will be many vacancies on the committee, because those members of the committee who were present this morning feel exactly as I have said—that they can not have an orderly and a proper investigation along the lines of the resolution unless they are assisted by counsel, and they firmly feel that that counsel should be of their own selection.

Mr. KENYON. Mr. President, had the Senator from Nebraska concluded?

Mr. HITCHCOCK. I was merely reserving the right to object. I shall be glad to yield to the Senator.

Mr. KENYON. I should like to ask the Senator from New Hampshire if Mr. Martens is not represented by counsel?

Mr. MOSES. He is. One of his counsel appeared this morning, and it was represented to the committee that he had been unable yet to get in proper touch with other counsel whom he expects to have to assist him before the committee; and it was in accordance with that information that the continuance of the hearing was had.

Mr. KENYON. Mr. President, I want to urge the Senator from Nebraska not to object. The matter is not without precedent. In the Lorimer investigation, counsel were employed. It became absolutely essential. The members of the committee could not give to that work the time that otherwise would have been required. I have gone into this matter enough to know that the investigation will amount to nothing if there is no counsel. It is absolutely impossible for the members of that committee to give to it the consideration which they should, and the investigation might just as well be abandoned if there is to be no counsel. It will not get anywhere.

Mr. HITCHCOCK. Mr. President, for this morning I think I shall object, but I shall be glad to talk the matter over with the Senator.

Mr. MOSES. Then I ask that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. POMERENE. Mr. President, if I may be permitted to make a suggestion, I was named by the chairman of the Committee on Foreign Relations as a member of this subcommittee, and I was obliged this morning to ask to be relieved of that duty because of my engagements on the conference committee on the railroad legislation; but I share the view of the Senator from New Hampshire that counsel ought to be appointed. I think I realize the tremendousness of the questions which will be presented to the subcommittee.

The suggestion has been made that the Department of Justice could send a representative to appear on behalf of the Senate. Of course that is possible. I do not know whether that would embarrass the Department of Justice or not. The papers indicate that the Department of Justice has been having under consideration certain procedure. As a lawyer, I think I can understand why the Department of Justice at this time might be somewhat embarrassed if they were to go into this investigation, which might proceed along entirely different lines, and might be more comprehensive than any investigation that the Department of Justice may see fit to make. For that reason it seems to me that the committee could serve the Senate very much better if they were aided by some lawyer who could act independently of the Department of Justice, and I hope that view will prevail in the end.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution?

Mr. HITCHCOCK. I object, Mr. President.

The VICE PRESIDENT. The Chair thinks this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MOSES. I asked, when the objection was made, that it be referred to that committee.

The VICE PRESIDENT. That order will be made.

PAY OF OFFICERS AND MEN OF COAST GUARD.

Mr. NELSON. I ask unanimous consent for the present consideration of Senate joint resolution 102. The object of the joint resolution is to have the officers and men of the Coast Guard Service who were attached to the Navy during the war but

have now been detached given the same salaries that officers and men in the Navy are receiving.

Mr. WADSWORTH. Mr. President, I do not intend or desire to interpose an objection, but I should like to ask the Senator from Minnesota a question. The Senator probably knows that on the calendar there is a bill (S. 3383) providing for an increase in the pay of the officers and men of the Army, Navy, Marine Corps, Coast Guard, and Public Health Service, all under one bill reported from the Committee on Military Affairs. I merely wanted to ask the Senator from Minnesota if this bill for the consideration of which he now asks unanimous consent would, if enacted into law, have any effect upon the pay of the men in the Coast Guard Service?

Mr. NELSON. Why, they would get the same pay that they got in the Navy.

Mr. SMOOT. It would be an increase of pay.

Mr. NELSON. The Coast Guard was an independent service prior to the war. During the war they were attached to the Navy, and they cooperated with it and were getting the Navy pay. Since then they have been detached from the Navy and their pay is less, and they simply ask to get the same pay in the Coast Guard Service—which is the old Revenue Cutter Service—as in the Navy.

Mr. WADSWORTH. Then perhaps this will be the case: If the joint resolution is passed, and is followed by the passage of a general pay increase, the Coast Guard officers would get the same increase in pay as the naval officers?

Mr. NELSON. They would.

Mr. WADSWORTH. Having been placed upon the same basis as naval officers by the Senator's joint resolution?

Mr. NELSON. Yes.

Mr. WADSWORTH. I merely wanted to have that clear in my own mind, because there is another bill on the calendar affecting pay.

Mr. KING. I would like to ask the Senator a question. I see by the press that some committee—I presume the Naval Affairs Committee—has recommended an increase of from 30 to 50 per cent in the compensation of certain persons in the Navy. I am not sure whether it extends only to the seamen or whether it includes the officers of the Navy. If that bill should become a law, then I presume if the joint resolution the Senator is asking the consideration of now should be enacted into law, automatically they would receive the same 30 or 50 per cent increase which is granted by the measure to which I have just referred.

Mr. NELSON. That is true; but I can see no reason why they should not. Their work is as difficult and hazardous in time of peace as that of the Navy. Whether that bill will pass or not I can not say. That is another question.

Mr. KING. I should like to ask the Senator whether or not persons competent to judge, and by that I mean naval officers and officials of the Treasury Department, who have had cognizance of the activities of the Coast Guard Service, feel that the services bear such a relation to each other in importance as to require the same compensation in the two departments?

Mr. NELSON. They certainly do. The head of the department, as well as the head of the service, feel that they are entitled to as much compensation as officers in the Navy in time of peace, and from my own knowledge of the duties performed by the Coast Guard I have no doubt of it at all. They are on active duty late and early, all the time, patrolling our coasts. They are as busy as they can be, and they perform as efficient duty as those in the Navy in time of peace.

Mr. KING. Mr. President I shall not object to the consideration of the joint resolution. I understand that an amendment which I shall offer will be agreed to. But I take this occasion to express the view that in my opinion the services are so dissimilar as to call for different pay. I see no reason why an employee of the Coast Guard Service whether officer or seaman, if that is the proper term, should receive the same compensation as men in the Navy, who are called upon to leave their homes for months at a time and go to foreign ports and to meet the hazards and responsibilities that are incident to naval service. However, if the Senate believes that the services call for the same compensation, I shall not object to the consideration of the joint resolution. I think it is unwise and improper legislation.

The joint resolution was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That commissioned officers, warrant officers, and petty officers and other enlisted men of the United States Coast Guard shall receive the same pay and allowances as are now or may hereafter be prescribed for corresponding grades or ratings and length of service in the Navy: *Provided*, That nothing herein contained shall operate to reduce the pay or allowances that would have been received by any person in the Coast Guard except for the passage of this resolution.

The joint resolution was reported from the Committee on Commerce with an amendment to insert at the end the following proviso:

Provided, That the senior district superintendent, the three district superintendents next in order of seniority, the four district superintendents next below these three in order of seniority, and the five junior district superintendents shall have the rank, pay, and allowances of captain, first lieutenant, second lieutenant, and third lieutenant in the Coast Guard, respectively.

Mr. KING. I hope the Senator from Minnesota will not insist upon the committee amendment.

Mr. NELSON. I ask the Senate to disagree to the amendment.

The amendment was rejected.

Mr. KING. I should like to ask one further question. As the joint resolution now reads, it does not call for officers in the Coast Guard to receive automatically, or by any system, the same grades enjoyed by officers in the Navy.

Mr. NELSON. No; it has nothing to do with grades. The committee amendment having been eliminated, it has to do with nothing except with the pay question and nothing as to grades of officers.

Mr. KING. The grades are determined by some other statute or by regulations of a different character from those prevailing in the Navy?

Mr. NELSON. Yes.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY SENATOR HARDING.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that the address delivered by the Senator from Ohio [Mr. HARDING] before the Ohio Society in New York City on Saturday last may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

"Mr. Toastmaster, ladies, and gentlemen, the topic of the evening makes it befitting to allude to the contemporaneousness of the birth of Ohio and the beginning of Americanism. Ohio became a definite part of the Northwest Territory in 1787, and the first flaming torch of Americanism was lighted in framing the Federal Constitution in that momentous year. Everything else American is preliminary or subsidiary.

"The Pilgrims signed their simple and majestic covenant a full century and a half before, and set aflame their beacon of liberty on the coast of Massachusetts, and other pioneers of new-world freedom were rearing their new standards of liberty from Jamestown to Plymouth for five generations before Lexington and Concord heralded a new era; and it was all American in the destined result, yet all of it lacked the soul of nationality. In simple truth, there was no thought of nationality in the revolution for American independence. The colonists were resisting a wrong and freedom was their solace. Once it was achieved, nationality was the only agency suited to its preservation.

"Ours was the physically incomparable America, so enriched by God's bounty and so incalculable in its possibilities that adventurous Spaniard and developing Englishman stood only at the gateway and marveled. Ours were American colonies in name, but the colonists were still echoing the prejudices and aspirations of the lands from which they came. There were conflicting ideas, varying conditions, and contending jealousies, but no common confidence, no universal pride, no illuminating spirit. These essentials came with the adoption of the Federal Constitution and the riveting of union, and the star of the American Republic was set aglow in the world firmament on the day that ratification was effected.

"On that day Americanism began, robed in nationality. On that day the American Republic began the blazed trail of representative popular government. On that day representative democracy was proclaimed the safe agency of highest human freedom. On that day America headed the forward procession of civil, human, and religious liberty, which ultimately will effect the liberation of all mankind.

"I am not thinking to magnify its comparative excellence, its charm of simplicity, or its exalted place among the written fundamental laws. I am recalling the Federal Constitution as the very base of all Americanism, as the ark of the covenant of American liberty, as the very temple of equal rights, as the very foundation of all our worthy aspirations. More, it was the supreme pledge of coordinate government by law, with the sponsorship of majorities, the protected rights of minorities, and freedom from usurpation of power—the people to rule.

"Men ofttimes sneer nowadays like it were some useless relic of the formative period, seemingly unmindful that on its guaranties rests the liberty which permits ungrateful sneering. Others pronounce it timeworn and antiquated and unsuited to modern liberty, but they forget that the world's orderly freedom has come of its inspiration. Perhaps its very simplicity, its utter naturalness for popular government under majority

rule, has led to scant appreciation if not unmindfulness. But it does abide and ever will so long as the Republic survives.

"The trouble is that its sacredness, if not forgotten, has been too little proclaimed. Most of us think it too righteous to assail and too essential to ignore, and we have held the superstructure so nearly ideal that for more than a hundred years we have had no peace-time statute to make seditious utterance a crime. Apparently we have held the freedom of speech which the Constitution guarantees more sacred than the guaranteeing instrument. I have come to think it is fundamentally and patriotically American to say there isn't room anywhere in these United States for anyone who preaches the destruction of the Government which is within the Constitution.

"This patriotically, if not divinely, inspired fundamental law fits every real American citizen, and the man who can not fit himself to it is not fit for American citizenship nor deserving of our hospitality. It fully covers all classes and masses in its guaranteed liberties, and any class or mass that opposes the Constitution is against the country and the flag.

"This Republic has never feared an enemy from without. It no longer intends to be menaced by enemies from within. If any man seeks the advantages of American citizenship, let him assume the duties of that citizenship. If he wishes the freedom of America, let him subscribe to freedom's protection. If he craves our hospitality, let him not abuse it. If he wishes to profit by American opportunity, let him join in making the same opportunity open to others. One can not be half American and half European or half something else. This is the day for the all-American.

"Nor can the foreigner hereafter be a prolonged visitor or resident alien, gathering the fruits of American opportunity, assuming the privileges of a citizen without whole-heartedly plighting his faith of citizenship. I do not mean the mere perfunctory declaration and legal naturalization. I mean renounced allegiance to the land from which he came and a heart and soul consecration to this Republic. It were better to leave some of our industrial work undone than to have the Government undermined in its doing.

"But we must not accept the overwrought impression that the assault on stable American Government is chargeable wholly or mainly to those of foreign birth who have not sworn American allegiance. The worst disloyalists and most effective conspirators wear the garb of full-fledged American citizenship, and many of them inherited American opportunity at their birth and turned liberty into license. The ignorant foreigner is more a victim than a conspirator, because he has heard the gospel of revolution when no one preached the blessings of orderly government and the rewards of American opportunity. Agitator and revolutionist found profit in agitation. They learned the foreigner's language and thought his thoughts and reached his sympathies, and lied to his ignorant prejudices, while the captains of American industry were counting dividends without concern for the human element in their making. There were exceptions to this crime of negligence, but in most instances the Americans who invited and enlisted foreign activities to swell the man power of industry have neglected to teach the American language, failed to utter American sympathies, forgot to extend American fellowship, and omitted the revealment of the loftier ideals of American citizenship. The grind of the workshop alone is poor culture for that citizenship which makes the ideal republic.

"It is well enough to preach Americanism, and we ought. It is more important to practice it, and we must. In truth, my countrymen, we need practical Americanism in business as well as proclaimed Americanism in politics. It is superb to lead in commerce and excel in industry—and no nation ever filled a brilliant page in history until it reached industrial and commercial eminence—but the distinction is too costly if wrought in the neglected qualities of citizenship and attending unrest and ultimate revolution.

"It is well enough to be concerned about the quantity and quality of our wares, but it is better to be sure of the spirit of the workers who make them. We must be thinking of men as well as materials and the conditions of making as well as marketing. The enhancement of conditions in 20 years is tribute to awakened American conscience, but the neglect of education is the warning to American heedlessness.

"There must be concern about devotion and duty as well as dividends. There must be a thought of the eventful morrow as well as the golden day. It is of no avail merely to preach contentment. Content never lighted a furnace nor turned a wheel in all creation. It doesn't exist in the human being who is really worth while. Mere subsistence does not make a citizen, and generous compensation without thrift blasts every hope of acquirement.

"What humanity most needs just now is understanding. The present-day situation is more acute because we are in the ferment that came of war and war's aftermath. Ours was a fevered world, sometimes flighty, as we used to say in the village, to suggest fever's fancies or delirium. I forbear specification. But we are slow getting normal again, and the world needs sanity as it seldom needed it before.

"Many have thought the ratification of the peace treaty and its league of nations would make us normal, but that is the plea of the patent-medicine fakir, whose one remedy marvelously will cure every ill. Undoubtedly formal peace will help, and I would gladly speed the day, if we sacrifice nothing vitally American. Yet as a matter of fact actual peace prevails and commerce has resumed its wonted way.

"Normal thinking will help more. And normal living will have the effect of a magician's wand, paradoxical as the statement seems. The world does deeply need to get normal, and liberal doses of mental science freely mixed with resolution will help mightily. I do not mean the old order will be restored. It will never come again. A world war's upheaval which ends autocracies and wipes out dynasties and multiplies cost of government, an upheaval which shifts the sacred ratio of 16 to 1 until silver is the more sacred, sweeps humanity beyond any return to precise prewar conditions.

"But there is a sane normalcy due under the new conditions, to be reached in deliberation and understanding. And all men must understand and join in reaching it. Certain fundamentals are unchangeable and everlasting. Life without toil never was and never can be. Ease and competence are not to be seized in frenzied envy; they are the reward of thrift and industry and denial. There can be no excellence without great labor. There is no reward except as it is merited. Lowered cost of living and increased cost of production are an economic fraud. Capital makes possible while labor produces, and neither ever achieved without the other, and both of them together never wrought a success without genius and management. No one of them, through the power of great wealth, the force of knowledge, or the might of great numbers is above the law, and no one of them shall dominate a free people.

"There can be no liberty without security, and there can be no security without the supremacy of law and the majesty of just government. In the gleaming Americanism of the Constitution there is neither fear nor favor, but there are equal rights to all, equal opportunities beckoning to every man, and justice untrammeled. The government which surrenders to the conspiracies of an influential few or yields to the intimidation of the organized many does justice to neither and none and dims the torch of Americanism which must light our way to safety.

"Governmental policies change and laws are altered to meet the changed conditions which attend all human progress. There are orderly processes for these necessary changes. Let no one proclaim the Constitution unresponsive to the conscience of the Republic. We have recently witnessed its amendment with less than 18 months intervening between submission and ratification, with some manifestation of sorrow marking the fundamental change. It promptly responds to American conviction and is the rock on which is builded the temple of orderly liberty and the guaranteed freedom of the American Republic.

"The insistent problem of the day, magnified in the madness of war and revealed in the extreme reaction from hateful and destroyed autocracy to misapplied and bolshevist democracy, like the pathos of impotent Russia, is the preservation of civil liberty and all its guaranties. Let Russia experiment in her fatuous folly until the world is warned anew by her colossal tragedy. And let every clamorous advocate of the red régime go to Russia and revel in its crimsoned reign. This is law-abiding America!

"Our American course is straight ahead, with liberty under the law, and freedom glorified in righteous restraint. Reason illumines our onward path, and deliberate, intelligent public opinion reveals every pitfall and byway which must be avoided. America spurns every committal to the limits of mediocrity and bids every man to climb to the heights and rewards him as he merits it. This is the essence of liberty and made us what we are. Our system may be imperfect, but under it we have wrought to world astonishment, and we are only fairly begun.

"It would halt the great procession to time our steps with the indolent, the lazy, the incapable, or the sullenly envious. Nor can we risk the course sometimes suggested by excessive wealth and its ofttimes insolent assumption of power, but we can practice thrift and industry, we can live simply and commend righteous acquirement, we can make honest success an inspiration to succeed, and march hopefully on to the chorus of liberty, opportunity, and justice.

"Sometimes we must go beneath the surface Gulf Stream to find the resistless currents of the great ocean. It little matters what a man proclaims in an ephemeral outcry for fancied reformation, you get the true undercurrent when you learn his aspiration for his children and his children's children. He stands with his generation between yesterday and the morrow, eager to lift his children to a little higher plane than mediocrity can bridge and which socialism never reaches. He wants to hand on American freedom unabridged; he wants to bequeath the waters of American political life unpolluted; he would bestow the equality of opportunity unaltered and the security of just government unendangered. The underwriting is in the complete and rejoicing Americanism of every citizen of the Republic.

"Mr. Toastmaster, we have been hearing lately of the selfishness of nationality, and it has been urged that we must abandon it in order to perform our full duty to humanity and civilization. Let us hesitate before we surrender the nationality which is the very soul of highest Americanism. This Republic has never failed humanity or endangered civilization. We have been tardy about it, like when we were proclaiming democracy and neutrality while we ignored our national rights, but the ultimate and helpful part we played in the Great War will be the pride of Americans so long as the world recites the story.

"We do not mean to hold aloof, we choose no isolation, we shun no duty. I like to rejoice in an American conscience, and in a big conception of our obligations to liberty, justice, and civilization. Aye, and more, I like to think of Columbia's helping hand to new republics which are seeking the blessings portrayed in our example. But I have a confidence in our America that requires no council of foreign powers to point the way of American duty. We wish to counsel, cooperate, and contribute, but we arrogate to ourselves the keeping of the American conscience and every concept of our moral obligations. It is fine to idealize, but it is very practical to make sure our own house is in perfect order before we attempt the miracle of Old World stabilization.

"Call it the selfishness of nationality if you will, I think it an inspiration to patriotic devotion—

"To safeguard America first.

"To stabilize America first.

"To prosper America first.

"To think of America first.

"To exalt America first.

"To live for and revere America first.

"We may do more than prove exemplars to the world of enduring, representative democracy where the Constitution and its liberties are unshaken. We may go on securely to the destined fulfillment and make a strong and generous Nation's contribution to human progress, forceful in example, generous in contribution, helpful in all suffering, and fearless in all conflicts.

"Let the internationalist dream and the Bolshevist destroy. God pity him 'for whom no minstrel raptures swell.' In the spirit of the Republic we proclaim Americanism and acclaim America."

LIBRARY OF HOWARD UNIVERSITY.

Mr. SMOOT. Mr. President, last Thursday, January 8, I called the attention of the Senate to a pamphlet written by Albert Rhys Williams on bolshevism and what it meant. The pamphlet comprised, I think, some 72 questions and answers. The pamphlet came from the library of the Howard University.

I have received and I suppose every other Senator has received from an official of the university, the secretary-treasurer, a communication headed as follows:

The following statement furnished the press by Dr. J. Stanley Durkee, president of Howard University, is also forwarded to Senators and Representatives of the United States Congress for their information.

(Signed) E. J. SCOTT,
Secretary-Treasurer.

The statement is headed:

Head of Howard University says institution does not sympathize with soviet or bolshevik movements. Its record of proved loyalty. Says pamphlet should be suppressed by the Government.

I have read the statement furnished to the press of the country by the president of the university, and I agree with his statement. All I care about it is to see that that pamphlet is removed from the Howard University library. I know of no one in Congress who has given more attention to Howard University and who is more in favor of its continuance and assistance to be extended by the Government of the United States than I. It is for that reason that I took the interest in the matter that I did.

I am very glad to have received from the president of the institution a personal letter in which he speaks of the pamphlet in most positive terms as not being worthy of a place in the library not only of Howard University but of any other school library in the United States.

I ask that the statements to which I have referred be published in the RECORD without reading, and I also should like to have printed in the RECORD at the same time the letter from the president of Howard University addressed to me.

I desire the same publicity given through the CONGRESSIONAL RECORD made by the officials of the institution as was given the statement made by me. I am delighted to see the spirit manifested in the letter of the president of the university addressed to me, and I want to assure him that, as far as Howard University is concerned, if they do the same work and along the same lines that they have done in the past I shall be very pleased indeed to vote for appropriations from the Treasury of the United States to assist them, as I have in the past. There ought to be more such schools in the United States. But I could not allow the question to pass without calling attention to the fact that a book of the character referred to, and written by Albert Rhys Williams, was in the library of that institution. I agree with the statement made by the president of the institution as to the desirability of having the publication removed not only from the library of Howard University, but from every school library in the United States.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

The following statement furnished the press by Dr. J. Stanley Durkee, president of Howard University, is also forwarded to Senators and Representatives of the United States Congress for their information.

E. J. SCOTT, *Secretary-Treasurer.*

HEAD OF HOWARD UNIVERSITY SAYS INSTITUTION DOES NOT SYMPATHIZE WITH SOVIET OR BOLSHEVIK MOVEMENTS—ITS RECORD OF PROVED LOYALTY—SAYS PAMPHLET SHOULD BE SUPPRESSED BY THE GOVERNMENT.

WASHINGTON, D. C., *January 9, 1920.*

Dr. J. Stanley Durkee, president of Howard University, in replying to the statement made by Senator SMOOT, of Utah, in the United States Senate, Thursday of this week, calling attention to the pamphlet by Albert Rhys Williams, states:

"The pamphlet in question was donated to the library of Howard University about a year ago. Hundreds of books and periodicals are thus donated and accepted each year, and in this case the pamphlet itself was not catalogued until eight or nine months ago. Since the cataloguing of the pamphlet it has been called for twice, which is proof positive that no particular attention has been paid to it by students or teachers. A letter from the librarian of the university in reference to this whole matter may be of interest:

"'HOWARD UNIVERSITY,
"'*Washington, D. C., January 9, 1920.*

"'President J. STANLEY DURKEE,
"'*Howard University, Washington, D. C.*

"'DEAR SIR: In response to your request of this date, I have the honor of making the following statement of facts concerning the presence in this library of the pamphlet, Bolsheviks and Soviets, and its use by students and faculty.

"'Two copies of this pamphlet were presented to us by one of our students about a year ago. When first presented, and before it was properly catalogued, it was probably read by several students, for there was at that time a great deal of interest in and curiosity about the new Russian Government and a very great disagreement as to the bare facts about it. The pamphlet was formally catalogued about eight or nine months ago, and since that time, according to the charging cards, only two students have asked for it, one on October 27, 1919, and one on December 30, 1919. As all use of a book in the building as well as use of it at home is recorded on these cards, it would seem to be conclusively proven that this pamphlet has been asked for but twice.

"'It is—or was, I know—in the United States Library of Congress, for the cards on which it is recorded in our card catalogue were printed and distributed by the Library of Congress.

"'Very respectfully, yours,
"'(Signed) E. C. WILLIAMS,
"'*Librarian.*'

"Howard University is the one outstanding national university of the negro people of America. It trains a larger number of negro college and professional students than any other institution of learning in the world. It is located at the head of the black belt and sends into the heart of the black belt of the South a larger number of graduates than any other institution. These graduates are all hard at work promoting good citizenship and seeking to raise the whole level of life among the negro people.

"During the recent war the university rendered service to our Government of the highest and most patriotic character. It had more graduates to receive commissions and serve as officers with colored military units than any other institution in America for the training of negro youth. The complete facilities of the university were placed at the disposal of the Government. National Army training detachments, students' army training corps, and reserve officers' training corps units were trained at the university. The student army instruction camp for 70 colored institutions of learning was also conducted here. In all, 1,786 men were trained for war work.

"With such a record of proved loyalty, it is most unfortunate that statements should be made calculated to convey the thought and idea that the university sympathizes directly or indirectly with soviet or bolshevik movements. Neither through classroom teaching nor otherwise has the university expressed any sympathy with movements seeking the overthrow of established order. On the contrary, the university has unhesitatingly stood in positive fashion for law and order and against movements designed to interfere with the orderly functioning of the great departments of the Government.

"To-day is the first time I have seen or read the pamphlet. I heartily agree that such false statements should not have circulation. The pamphlet should be suppressed by the Government. I am surprised to learn that it has not been suppressed. I have instantly withdrawn these copies from our library."

HOWARD UNIVERSITY,
OFFICE OF THE PRESIDENT,
Washington, D. C., January 10, 1920.

Hon. REED SMOOT,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR SMOOT: I noticed in the Evening Star of January 8 a statement in which you were calling attention to a certain book which was alleged to be circulating in Howard University regarding the bolshevik and the soviet.

I wish to say that I have looked the matter up very carefully and the report inclosed in this letter will give you absolute facts regarding the situation.

Frankly, Mr. Senator, after having read the pamphlet, I agree with you from my heart that such false statements ought not to be circulated, and, in my judgment, the Government should suppress the printing of such pamphlets as these. I only regret that my attention was not called to the matter before it was necessary to give it to the public, for, as doubtless you well know, the damaging statement will go to the end of our country, while the ameliorating facts which we are now stating will not be given very much credence by the newspaper world.

May I ask from you, Mr. Senator, an appointment, that I may sit down and chat with you for a few moments over some of the great questions which are so desperately perplexing me in my work here? I should esteem this a personal favor, and I think it would be of vast good for our America.

With kind personal regard and the greetings of the season, I remain,

Respectfully, yours,

J. STANLEY DURKEE,
President.

TREATY RESERVATIONS.

Mr. KING. Mr. President, I have received a number of communications during the past few days urging the immediate ratification of the treaty. There is a general feeling throughout the country that the Senate should promptly adopt a resolution of ratification. There is, I believe, genuine disappointment because of the failure of the Senate to take affirmative action upon this matter.

In an address delivered a few days ago, I earnestly urged that the Senate proceed to the consideration of the treaty and called attention to the perilous situation in Europe, and to the general spirit of unrest throughout the world, and expressed the view in substance that if the treaty were ratified and this Nation entered the league of nations, and that organization functioned as the covenant of the league provides, it would stabilize conditions, dissipate much of the unrest, and arouse hope throughout the world. I again asseverate with the utmost earnestness that we should act now. We should dispose of the treaty, ratifying it with such fair and proper reservations as will meet the wishes of the Senators and the American people who earnestly are in favor of a league of nations, and the adoption of a plan that will make for the peace of the world.

Some of the communications received by me urge that the Senate follow what is denominated as "Mr. Bryan's plan." Apparently the press—and particularly the Republican press—has been interested in emphasizing the idea that Mr. Bryan is the leader of the Democratic Party and that he came to Washington and promulgated a new plan concerning the ratification of the treaty, and that under his influence and leadership Democratic Senators are about to abandon former views and ratify the treaty in pursuance of the plan submitted by him. Mr. Bryan is a great American and a very conspicuous figure in the Democratic Party and in the Nation, but it would be improper to say that he suggested a new plan of dealing with the treaty, or developed a novel theory in dealing with this grave and important matter. Several months ago the able Senator from North Carolina [Mr. SIMMONS], one of the oldest and most respected Members of this body, and one to whom the Democrats look for guidance and leadership, stated upon the floor of the Senate that in his opinion the treaty should be ratified promptly, but that because of the divergence of views it appeared to be necessary, in order to secure ratification, that reservations to the treaty be incorporated in the resolution of ratification.

The distinguished Senator from Georgia [Mr. SMITH] months ago stated in substance in an address delivered in this body that he was heartily in favor of the ratification of the treaty, but that reservations, and particularly a reservation affecting article 10, would be necessary in order to secure favorable action upon the resolution of ratification. The Senator from Nebraska [Mr. HITCHCOCK], the leader of the minority, has repeatedly announced that reservations would be accepted by the minority, and he offered a number of reservations and moved their adoption. He offered a resolution containing a number of reservations, one of them dealing with article 10 of the treaty. Several other Democratic Senators have stated upon the floor of the Senate and in public addresses that they were in favor of reservations or interpretative reservations. I think all of the Democratic Senators have voted for reservations, including a very important reservation dealing with article 10. A number of Democratic Senators have openly expressed the view that a reservation must be adopted dealing with article 10, which would relieve the treaty of the interpretation that article 10 imposes a legal and moral obligation to protect the territorial integrity of any member of the league in advance of action by the Congress of the United States.

Mr. Bryan's views in respect to article 10 of the treaty, as expressed by him at the recent banquet given by the national Democratic committee, contained no new program. He urged conciliation, and that Senators make such concessions as would secure a prompt ratification of the treaty. He frankly stated that he had urged the ratification of the treaty without amendment or reservation, but that that seemed impossible, and he therefore felt that it was the duty of Senators to make such reasonable concessions as would enable them to reach a common ground, that would bring about an immediate ratification of the treaty with Germany. No one questions the good faith or the sincerity of Mr. Bryan, and there is no doubt but what his views have weight throughout the country. But in the interest of accuracy I want the country to understand that many Democratic Senators for months have been urging that the treaty be ratified and that ratification may not be obtained without reservations; that among the reservations there must be one that squarely dealt with the question of the obligation placed by article 10 upon the members of the league. The question of reservations did not originate with Mr. Bryan. The suggestion that a reservation with respect to article 10 be adopted was not first suggested by Mr. Bryan. I repeat what I have said upon a number of occasions, that the treaty will be ratified, and my opinion is that it will be ratified at an early date, and that it will contain reservations. That it should be ratified, I believe most Americans heartily agree. That there should be reservations incorporated in the resolution of ratification, if necessary to secure its ratification, I believe a majority of the American people desire.

Mr. ASHURST. Mr. President, I also believe the treaty will be ratified, but I think it will be ratified sooner because William Jennings Bryan came to town.

THE CALENDAR.

Mr. WADSWORTH. Mr. President, there is a rule that on Monday we shall proceed with the calendar.

The VICE PRESIDENT. There is.

Mr. WADSWORTH. I ask that we may do so immediately.

Mr. SMOOT. In this connection I desire to ask unanimous consent that we begin with Calendar No. 241, Senate bill 411, as that was the number on the calendar which we reached on last Monday.

The VICE PRESIDENT. Is there objection? The Chair hears none. The calendar is in order. The Secretary will state the first bill on the calendar.

The bill (S. 411) to confer jurisdiction on the Court of Claims to certify certain findings of fact, and for other purposes, was announced as first on the calendar.

Mr. SMOOT. I ask that that go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1233) to repeal an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," and the act amendatory thereof, was announced as next in order.

The VICE PRESIDENT. The bill was reported from the Committee on the Judiciary adversely. The question is, Shall the bill be indefinitely postponed?

Mr. SMOOT. Mr. President, in the absence of the Senator from Iowa [Mr. CUMMINS], the member of the Committee on the Judiciary making the report, and also in the absence of the Senator from Maryland [Mr. FRANCE], I ask that that motion be not acted upon to-day, but that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 3090) to repeal the espionage act was announced as next in order.

Mr. SMOOT. This bill was also reported adversely. I ask that it may go over for the same reason.

The VICE PRESIDENT. It will go over.

The bill (S. 2614) for the relief of Francis M. Atherton was announced as next in order.

Mr. THOMAS. I ask that that may go over.

The VICE PRESIDENT. The bill will be passed over.

BURIAL EXPENSES OF RESERVE AVIATORS.

The bill (S. 3384) to provide for burial and expenses of transportation of remains of certain officers and enlisted men of the reserve forces of the United States was announced as next in order.

Mr. KING. Does the Senator from New York desire to take up the bill this morning?

Mr. WADSWORTH. I think it is a measure which ought to pass. The men were killed while on duty under authorization of the Secretary of War. I think we should follow the custom of the military service, and that the men's burial expenses should be paid by the Federal Government.

Mr. KING. I did not know but there was another bill duplicating the same subject.

Mr. WADSWORTH. Not that I know of.

Mr. KING. I have no objection.

Mr. WALSH of Montana Mr. President, I desire to make an inquiry of the Senator from New York [Mr. WADSWORTH]. Evidently there are two varying views concerning what ought to be done in this matter. Evidently quite a large number of people feel that the bodies of these men should remain in the cemeteries for which provision has been made in France. Others insist that the bodies should be returned to this country. I desire to inquire of the Senator if hearings were had on this bill so that these varying views were presented to the committee?

Mr. WADSWORTH. Mr. President, I think the Senator misapprehends the nature of this bill. This bill has nothing to do with the removal of the remains of the soldiers now buried in France. This is a bill authorizing the payment of the funeral expenses of the reserve officers and enlisted men who, subject to the authority of the Secretary of War, navigate airplanes in time of peace and are so unfortunate as to meet with fatal accidents.

Mr. WALSH of Montana. At the various flying fields in the United States?

Mr. WADSWORTH. Yes; at the flying fields here in the United States.

Mr. WALSH of Montana. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the allowances for the expenses of interment and for the preparation and transportation of the remains of officers and enlisted men of the reserve forces of the United States, whether on active or inactive status, whose death results from aeronautical duty performed with the approval and under regulations prescribed by the Secretary of War, shall be, and are hereby, made the same as those authorized for officers and enlisted men on the active list of the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK.

The bill (S. 3385) to authorize the War Department to restore the Chickamauga and Chattanooga National Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to cause the Chickamauga and Chattanooga National Park to be restored to the condition in which it was at the time it was taken over for military purposes during the World War by removal therefrom of all buildings and structures erected thereon for military purposes, obliterating all roads, trails, walks, and paths not forming parts of the plan of the park, filling all trenches and other excavations made or caused in the training of troops, resodding, and doing any and all other acts and things necessary or expedient in order to restore the entire area so occupied as nearly as practical to its former condition as a national park.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby appropriated the sum of $65,000, or so much thereof as may be necessary, the same to be available for expenditure under the provisions of this act until this restoration work is completed or the appropriation exhausted.

Mr. KING. I should like to ask the Senator from New York whether there is any exigency which calls for this work at the present time? I fancy it will cost a considerable sum; and in view of the large demands which are being made upon the Public Treasury and the high cost of labor and material, I am led to inquire whether the situation is such as to call for immediate action in respect to this matter?

Mr. WADSWORTH. The situation is described in the report of the committee, which includes a letter from the Secretary of War. As the Senator from Utah knows, the Chickamauga and Chattanooga National Park was set aside by Congress many years ago; it has been maintained under a separate organization, and is not now in the War Department, as I recollect.

When the United States went into the recent war a great deal of land inside the park was deemed of great value for cantonment and camp purposes, and the War Department took it over. They have built trenches and excavations at one place or another in this public park, which is supposed to be for the benefit of the people of the United States. The bill appropriates $65,000 to restore the park, to fill up those trenches and excavations, and to level off the ground, as best they can, inside the limits of the park. The War Department, of course, is in honor bound to do that work at some time or another; it can not very well go into a great public park like that of Chickamauga and Chattanoooga any more than it could at Gettysburg, tear the whole place to pieces, and then never restore it to its original condition.

Mr. KING. I agree with the Senator from New York that under his statement the work of reparation should be made, but the only point in my mind was whether the work should be now undertaken.

Mr. WADSWORTH. It might be well to say to the Senator from Utah that the Army buildings, the cantonment buildings, and the various storehouses that are now there are to be sold, indeed, probably have been sold; and the money gotten from those sales would be sufficient to pay the cost of restoring the ground to its former condition; but under the law the money from those sales has to revert to the Treasury. So we have to make the appropriation sooner or later to do this work. As a matter of fact, the salvage is going to be enough to cover the cost of the work.

Mr. KING. I shall not object to the consideration of the bill.

Mr. SMOOT. I notice that the chairman of the park commission estimates that the total amount required to do the work will be $105,273.

Mr. WADSWORTH. Yes.

Mr. SMOOT. If that is absolutely required, would it not be better to make one appropriation to do the work than to have the $65,000 which is appropriated, and perhaps wasted, expended and then be asked for the full amount?

Mr. WADSWORTH. The representative of the department says that it will not cost that much, and the committee was glad to take the lower figure.

Mr. SMOOT. The action of the committee was proper; but the Secretary of War says:

But it is believed that the essential work can be carried out for the amount requested in the proposed bill—

Namely, $65,000. I do not know what the Secretary of War means by "essential work," and if that is all that is to be expended for this purpose, well and good; but what I am fearful of is that a year or two after this money shall have been expended they will again come back and ask that a large amount be appropriated for the same purpose.

Mr. WADSWORTH. Well, we will take no chance of that.

Mr. SMOOT. I always prefer when we have a job to do, to do it right in the first instance.

Mr. WADSWORTH. I do not think they should have a subsequent appropriation, and I should not favor appropriating $105,000 for the purpose. I think we can make them do the work for the $65,000.

Mr. SMOOT. Let us refuse to make any further appropriation if they do not do the work for $65,000.

Mr. WADSWORTH. I will stand with the Senator from Utah on that contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANCE TO CIVILIAN AVIATORS.

The bill (S. 3386) to provide for the assistance of civilian aviators in distress by authorizing the Secretary of War to sell at cost price at aviation posts or stations gasoline, oil, and aircraft supplies to persons in charge of civilian aircraft landing upon or near said posts was announced as next in order.

Mr. KING. Let the bill be read, Mr. President.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, under such regulations as he may prescribe, to sell at contract price, plus 10 per cent of such price, gasoline, oil, and aircraft supplies of all kinds to the persons in charge of civilian aircraft landing upon or near aviation posts or stations and in need of assistance either for the continuation of their journey or for the protection of the lives of the passengers or crews: *Provided*, That these shall be sold only in such limited amounts as may be needed to enable the aviator to get to the nearest point where such supplies can be bought and when it is impracticable to obtain same in the vicinity. The money realized from the sale of said articles shall be passed to the credit of the appropriations from which such supplies were purchased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEPENDENTS OF CERTAIN OFFICERS OF FRENCH MILITARY MISSION.

The bill (S. 3387) for the relief of dependents of Lieuts. Jean Jagou and Fernand Herbert, French military mission to the United States, was announced as next in order.

Mr. KING. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the dependents of First Lieut. Jean Jagou, Seventy-third Infantry, and First Lieut. Fernand Herbert, One hundred and sixty-third Alpine Infantry, both of the French Army, and who were accidentally drowned July 26, 1918, near Camp Cody, N. Mex., while on duty with the French military mission and acting as instructors of United States troops at Camp Cody, N. Mex., such sums of money as by the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, as amended," approved June 25, 1918, is provided to be paid as compensation to the widow or children or other dependents for the death from causes occurring in the line of duty in the service of the United States; and such compensation shall be payable and be paid as of and from the 26th of July, 1918, and under and according to the terms, conditions, and basis of compensation in said act provided, and such sums shall be in full of all claims, legal or equitable, of said Jean Jagou and Fernand Herbert, their heirs, representatives, or assigns.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SERVICE OF REGULAR ARMY OFFICERS WITH TROOPS.

The bill (H. R. 7752) relating to detached service of officers of the Regular Army was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That, after the termination of the emergency incident to the war with Germany and Austria-Hungary, in the construction of any law relating to detached service of the officers of the Regular Army, all service performed by such officers during the said emergency shall be regarded as service with troops or organizations thereof.

Mr. KING. Mr. President, I should like an explanation of this bill from the Senator having it in charge.

Mr. WADSWORTH. Mr. President, this proposed law is rather important. The Senator from Utah will remember that under the military law as now written an officer of the Regular Army must spend a certain proportion of his time with troops in time of peace and also in time of war, if there is no change made in the statute. As soon as the war broke out, of course every officer of the Army was assigned to one duty or another. During the period of our participation in the war officers were sent to France, to Belgium, to Italy, to England, to Siberia, to northern Russia, to Spain, and to other parts of the world on military duty. They were transferred back and forth. Sometimes they were with troops and sometimes they were serving in a category which made it difficult to determine whether or not the service was with troops under the meaning of the statute. Now that they have come back and to all intents and purposes a state of peace, so far as the Army is concerned, has been restored, the department is confronted with the almost hopeless task of finding out how many days or weeks or months each and every officer of the United States Army spent with troops or away from troops in order to determine whether or not he can now be sent on detached service in the United States. To find out exactly how many days every officer serving in the war has spent with troops and add it to the number of days that he spent with troops before we went into the war; to find how many days he was on detached service during the war, what the detached service was, to define it, and add that to the number of days or weeks or months that he had been on detached service before we went into the war is an utterly impossible task. It would require the keeping of a daily diary by every officer of the Army during the war. So the committee has come to the conclusion, at the suggestion of the War Department, that the law which provides that officers shall spend a certain percentage of their time with troops should be rigidly applied should only apply in time of peace, because when war comes the changes, the transfers, and the assignments to duty are so rapid and so innumerable that it is utterly impossible to apply the law.

So this bill provides, in effect, that during a period of war, when all officers, whether they happened to be with troops or not, were contributing to the best of their ability to the defeat of the enemy, whether they happened to be here in the War Department or in the front-line trenches in France, in the city of Paris in liaison work, or in London or in Queenstown or in Siberia or in Italy, or wherever they were, they should all be considered to have been serving with troops. When the emergency is terminated that rule terminates and they go back to the old rule that they must actually serve a certain percentage of their time with troops.

Mr. KING. Mr. President, if the Senator will permit an inquiry, when under this bill or under the interpretation which the War Department places upon it or upon existing law will the emergency cease to exist, if it has not already ceased?

Mr. WADSWORTH. The emergency, of course, can not be deemed to have ceased to exist until so declared by the President.

Mr. KING. This bill would mean that officers now serving in the department, with no possibility, at least for some time, of their serving with the troops, should be regarded as having rendered service with troops?

Mr. WADSWORTH. Yes; during the emergency. It is almost impossible, I will say to the Senator, to draw the line. It can not be drawn rigidly. The whole Army has been mixed up; officers have been sent everywhere and on all kinds of duty; it is a vast kaleidoscope. For instance, if this bill is not passed, many of the student officers in our service schools will have to be taken out of those schools, because under the rigid application of the existing peace-time law, which is now in effect in time of war, they have not served the required time with troops. It is not their fault if during the war itself, while we were in the war, they went where they were ordered to go. As I said before, you would have to require them in advance of our going into any war to keep almost an hourly diary of everything they did during the war, and figure out the number of hours or days they served with troops, and the number of hours or days they served away from troops. In time of war it is mighty hard to define what service with troops is. It may be half a day with troops and half a day away from troops.

Mr. SMOOT. Do I understand that the officers are so disposed not to serve with troops that they want to keep it down to the very hour?

Mr. WADSWORTH. Not at all; but it is to avoid their being compelled to do that, and to avoid making the department search back through the daily record of every officer in the war who is a member of the Regular Establishment, that this bill is introduced. Why, I have yet to find an officer who was not exceedingly anxious to serve with troops; but the trouble is that in time of war you can not define what service with troops is. It is mighty hard.

Mr. SMOOT. There is nothing in the law, is there, that requires that there shall be just so many months of service with troops?

Mr. WADSWORTH. Yes; two years out of every six.

Mr. SMOOT. Yes; but there is nothing in the law that says that an officer can not serve three years out of six, is there?

Mr. WADSWORTH. Oh, no.

Mr. SMOOT. Then it seems to me that this is a relief measure.

Mr. WADSWORTH. It is a relief measure for the war-time period.

Mr. SMOOT. And, being a relief measure, it points to the fact that the officer would prefer to serve somewhere else than with troops?

Mr. WADSWORTH. Oh, no; it was not a matter of his preference. He had to go where he was ordered in time of war.

Mr. SMOOT. I recognize that.

Mr. WADSWORTH. He did not make application to go on service away from troops. He was sent on service away from troops. He may have spent 18 days in the service, and then may have been transferred to another part of the line, or another part of the Army zone, and found himself on service with troops again. Now, you have got to figure out the number of days that he was with troops and the number of days that he was not with troops, and to do that is an impossible task.

Mr. SMOOT. The theory of the bill is that wherever an officer serves exactly two years with troops he is all right. Now, it seems to me that any officer would prefer to be with troops three years than to try to bring it right down to the fact that he had served only two years and one day, or just exactly two years; and I can not see anything in the bill except that it is to take care of the officer who does not want to serve with troops more than two years.

Mr. WADSWORTH. No; Mr. President, it does not take care of officers that want this or that. It cuts a Gordian knot that can not be cut otherwise. It is not a question of the officer's preference or where he wanted to serve. His preference was not consulted. Under the law as it stands an absolutely accurate estimate must be made as to the number of days, up to and including a total period of two years, during which that officer served with troops. Now, you can not apply that rule in time of war to thousands and thousands of officers.

Mr. SMOOT. In order to be sure that he had served two years out of six; that is all there is to it.

Mr. WADSWORTH. Certainly; but it is the department has to obey the law. If this bill does not pass, the Secretary of War must get from every officer who served in the war an absolutely accurate diary, in order to ascertain whether his service in the war with troops, added to his service with troops

before the war, aggregates two years; and you can see that it is an impossible thing for him to do. It would take months and months.

Mr. KING. Mr. President, may I make a further inquiry of the Senator? The purpose of this bill, of course, is to give to certain officers greater compensation than they otherwise would obtain.

Mr. WADSWORTH. Oh, no. Compensation is not touched at all by it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. Is it the same with troops?

Mr. WADSWORTH. Why, certainly. The pay of an officer is just exactly the same whether he is serving with or away from troops. This has nothing to do with pay. It is simply to make it possible to administer the detached-service law. In other words, under this bill the detached-service law would be suspended for the period of the war.

Mr. KING. Would it affect the large number of officers who, by special legislation which we enacted recently, were permitted to remain in the service for a period of one year?

Mr. WADSWORTH. No; only officers of the Regular Army.

Mr. KING. The Senator will recall that we passed legislation some time ago, under the request of the Secretary of War, in order to wind up the affairs of the Army and to make disposition of vast accumulations of funds and salvage the same. Additional officers were required, and, as I recall, we provided for either twelve or eighteen thousand officers to remain for one year.

Mr. WADSWORTH. Yes; but those are not Regular Army officers. Those are emergency officers. We authorized the Secretary of War to keep a number of the emergency officers in service to the end of this fiscal year, that number of emergency officers plus the regular officers not to exceed 18,000 in the aggregate. That 18,000 officers' bill has nothing to do with this. These are only regular officers. You try to count up the number of hours a day——

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. McKELLAR. Does it not mean simply this, that those who have been serving on staff duty during the war—say, two years during the war—will now be eligible to serve on staff duty here? That is the substance of it, is it not?

Mr. WADSWORTH. In part; yes.

The VICE PRESIDENT. Is not this the point of it, that the department is compelled to require officers to serve with troops for two years, and this is to enable them to find out who is eligible?

Mr. WADSWORTH. No, Mr. President; not just that. The law provides that officers must serve with troops two years out of six. Now, war comes along, and the whole list of officers is shuffled up, and men are sent far and wide all over the world. One day they will be with troops, and a week later they may not be with troops. The week after that they may be taken away from troops and sent on some exceedingly important detached service which will consume only three or four or five days. Those little periods will all have to be figured out and counted up for every officer of the Regular Army in order to determine whether or not he has had his two years with troops before he can be assigned to detached service at the termination of the war. Now, you can not figure it out; it can not be done; and the purpose of this bill is to suspend the operation of the detached-service law during the period of the war. It does not make favorites of anybody. It does not suit or meet anybody's preference. They had to go where they were ordered. Sometimes they were with troops, and sometimes they were not; one day on and one day off.

Mr. NELSON. Mr. President, may I ask the Senator a question? Is not the purpose of the bill to overcome the provisions of the statute that require an officer to serve with troops, and to be on detached service only for two years at a time? In other words, was it not to prevent officers remaining here in Washington instead of being with their troops? Was not that the purpose of the detached-service law?

Mr. WADSWORTH. That is the fact.

Mr. NELSON. There were so many officers who stayed here in Washington, and got what we call soft snaps, that in order to put a stop to that they enacted this law requiring them to be two years with troops before they could be detached and come here to Washington and have a good time.

Mr. WADSWORTH. That is true.

Mr. NELSON. And this is to overcome that law.

Mr. WADSWORTH. No, Mr. President; it is not to overcome that law.

Mr. KING. This is to perpetuate that law.

Mr. WADSWORTH. Mr. President, I think the question was put to me, and perhaps I may answer it.

Mr. KING. I beg the Senator's pardon.

Mr. WADSWORTH. It is not to overcome that law. The Military Affairs Committee does not want that law repealed. We want it on the statute books. We want to keep it there in time of peace; but when war comes you can not enforce it. It is impossible to make the computation, and this bill is to suspend that law for the period of the war; that is all.

Mr. NELSON. Let me tell the Senator how it strikes me. There were a lot of officers who were kept here in Washington in the departments during the war. They had the benefit of city life. They would like to continue here. They would have to go back now with their regiments or their troops to do service, because they have been away on detached service so long. Now, if we eliminate this law, it simply allows them to stay a little longer around Washington; that is all.

Mr. SMOOT. I will say to the Senator that as I understand it, it means that the time that those officers served in Washington is to be credited to the two years' service with the troops that is required out of every six.

Mr. NELSON. Yes; I so understand it.

Mr. SMOOT. And it is just the reverse of what the Senator says.

Mr. NELSON. Oh, no; I so understand it. This is to give them credit for that as though they were with their troops.

Mr. KING. That is right.

Mr. NELSON. That is what I said.

Mr. SMOOT. I misunderstood the Senator.

Mr. NELSON. It is to give them credit for that service, and to enable them, if this bill becomes a law, to get a new detached service here of two years. It enables a lot of these officers who have been here in Washington and have not been abroad, if they get that counted, to have it counted as though they had been in service with troops, and they can get two years additional of detached service.

Mr. KING. I should like to suggest to the Senator from Minnesota that a short time ago there were more than 3,000 officers in the city of Washington—and I think there are as many now—many of whom, captains, majors, colonels, and perhaps higher ones, were performing unimportant work, much of it mere clerical work calling for no technical skill or ability and but little responsibility, work that a $100 per month clerk could perform. If this bill is to keep officers here in Washington doing nothing, or next to nothing, I think it is a very improper measure. There ought to be some method provided by which officers will go where they can be of some service to the Government. If we should introduce bills reducing the expenses of the War Department, I think we would be doing better service for the country. During the war we gave to this department unstintingly and, indeed, extravagantly. Now the war is ended, and officials in this department are not fully responding to the spirit of economy which should prevail in all branches of the Government.

For instance, there is a zone depot in New York operated by the War Department. My information is that there were recently 11,000 persons employed in the work of this depot. Two-thirds of the number were clerks, and a large number of heads and chiefs and bosses. There were two clerks for each other employee. My information is that there is inefficiency, waste, and improvidence in the administration of certain branches of the War Department.

I should be glad if the Military Affairs Committee or some efficiency bureau would challenge attention more frequently to the extravagance and inefficiency in the administration of the War Department, and take steps to correct the evil.

Mr. WADSWORTH. I am in entire sympathy with the Senator's desire for retrenchment, but I may remind him that this bill does not cost the Government a cent. It has no effect whatever on appropriations, pay, rank, or allowances. It has nothing to do with it.

Just let me read a portion of a paragraph in the report submitted by the Secretary of War:

> The kinds of service that took officers from their organizations before the war were few compared with those that took them away during the war, and the difficulties in deciding whether service performed prior to the war amounted to detached service would naturally be multiplied a thousandfold during the war by reason of the conditions of service which then obtained. It will be impossible to anticipate what may be shown by the records kept in France, England, and Siberia with reference to the kind of service that officers have performed, but it is safe to say that it will be a long time after the emergency has terminated before the war-time records can be made available for the purpose of ascertaining the nature of the services rendered by officers during the war. Nothing satisfactory nor dependable would result from calling on each officer of the Regular Army to furnish a report of his services during the war, for the reason that in most cases officers would not be

able to furnish the necessary reports without consulting records which would not be available to them. The result would be that it would be scarcely possible for any commanding officer of any grade or in any position to detail an officer on detached duty without incurring the risk of stoppage of pay—

Which is the penalty under the law that we are now trying to suspend for the period of the war—

For violation of the detached-service law.

An officer comes back from France, having been there 18 months. He may have gone over with a combat division; he may have served with that division for one month and three days—he forgets just how long he has been with that division, but perhaps it is a little over a month—he is then detached and sent down to Italy to be a supply officer for a while with the regiment of Infantry we had with the Italian Army. He stays there perhaps two months and six days—he can not remember just when or how long—and he is detached from there and sent back to France, and serves three more weeks with another combat division with troops. Then again he is detached and sent to General Staff headquarters for some special purpose for two or three weeks more. From there he may be sent to Belgium, this all being in time of war. He goes where he is sent. He may be in Belgium two months; he may be sent over to England on some important mission, and be there two weeks, and come back and rejoin his old regiment or another regiment or a different branch of the combat service.

That has happened in thousands and thousands of cases, and you can not calculate it all out; and unless you do calculate it all out and get it absolutely accurate, no officer returning from France can be put upon detached service in this country, for if it should be proved years from now that he had been on detached service too long during the war to enable him to be put on detached service when he gets back from the war, the man who so put him on detached service forfeits all his pay and allowances. It is an impossible situation.

People are apt to take great joy in talking about the officers here in Washington; but it is not only the officers here in Washington, it is the officers of the whole Regular Army who may have been serving all over the world, sometimes with troops, sometimes away from troops; and there are some classes of services that have not been defined as belonging with troops or without troops.

Mr. WALSH of Montana. I inquire of the Senator from New York whether the objection which has been urged to the bill could not be met by adding to it the following:

Except such as are performed in the city of Washington.

Would not the purpose of the original act thus be preserved?

Mr. WADSWORTH. I think that would be an injustice. Why discriminate against the officers who were ordered to Washington? It was not their fault.

Mr. WALSH of Montana. The original act discriminated against them. It was intended to discriminate against them.

Mr. WADSWORTH. Yes; in time of peace the Congress saw fit to lay down a rule governing the War Department, and the intent was really to make a rule to govern in time of peace, so that certain groups of officers could not be anchored here in Washington and stay on indefinitely. But in time of war, it seems to me, Congress might well let the Commander in Chief assign officers to serve where and when they are needed; and that is the purpose of this bill. I do not believe it would be just or right to pass this bill and insert in it an exception. Why not include Hoboken, the great port of embarkation? Why not include Newport News or Charleston or New Orleans and say it shall not apply to officers who were assigned to any of those places?

Mr. WALSH of Montana. It would not interfere with the assignment of these officers in time of peace at all, but if they had served during the war in the city of Washington it would then be necessary for them to be assigned elsewhere.

Mr. WADSWORTH. The present law does not say anything about their not serving in Washington more than two years.

Mr. WALSH of Montana. I understand; but we all understand that that was the real purpose of the original act.

Mr. WADSWORTH. That was its main purpose; but it also applies to any headquarters of a department. It applies to Governors Island, it applies to Chicago, San Francisco, or wherever there is a headquarters of a department with an administrative staff. It applies to officers serving in the Ordnance Department or in the Quartermaster Corps. Their service is not with troops. They may be going right along behind the troops and supplying them, but their service is staff service, and they must serve two years out of every six with troops, and those services are not included. I do not think you can make an exception in any case. Mr. President, I have nothing more to say about the bill. I did not mean to take so much time.

Mr. KING. Mr. President, I have such confidence in the Senator from New York, who gives earnest attention to the measures coming from his committee, that I do not feel at liberty to vote against this bill or to oppose its consideration; but I do hope the Senator will pardon me if I again invite his attention to what I conceive to be the extravagance of the War Department. Only recently—and this is only one very small item out of a multitude which could be brought to the attention of his committee—certain officers of the War Department made a requisition for trucks to cost approximately a million dollars, notwithstanding the fact that there were hundreds of trucks owned by the Government, many of which had never been used or cared for by the department.

I called the attention of the Senator a moment ago to the situation of the zone depot in New York, where there are thousands of unnecessary employees, and to several divisions of the War Department here where there are thousands of unnecessary clerks and employees. It seems impossible to get the officials in charge of those divisions or bureaus to reduce as they should the army of supernumeraries; and unless the committee takes the matter in hand and compels reductions, or unless the Appropriations Committees of the Senate and the House refuse to make appropriations, the War Department, as well as other departments—and the War Department seems to be one of the greatest offenders—will continue in service the thousands of unnecessary clerks, functionaries, and employees.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARRIAGE IN THE ARMY AND NAVY.

The bill (S. 3245) to regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, on page 1, line 9, to strike out the word "or" and to strike out the semicolon following the words "Marine Corps" and insert "or Coast Guard"; on page 2, line 1, to strike out the words "Coast Guard"; on page 4, line 12, after the word "Navy," to insert the words "or of the Coast Guard"; on page 4, line 25, to strike out the amount "$5,000" and insert in lieu thereof "$1,000"; on page 5, line 1, to strike out the word "five" and insert in lieu thereof the word "one"; on page 6, line 7, after the word "contracted," to insert the words "or shall be forwarded to the head of the department under which the Coast Guard is operating for file in the records of that department, if such certificate shall relate to the marriage of a person in the Coast Guard," so as to make the bill read:

Be it enacted, etc., That for the purposes of this act, unless the context otherwise requires—

The term "person in the military or naval forces" shall be held to include:

(a) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Army, Navy, the Marine Corps, or Coast Guard;

(b) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Lighthouse Service, Coast and Geodetic Survey, and Public Health Service; serving, pursuant to law, with the Army or the Navy.

SEC. 2. That the term "person in an auxiliary organization" shall be held to include every male or female citizen of the United States attached to and serving with any one or more of the following, namely: American Red Cross, Young Men's Christian Association, Young Women's Christian Association, Salvation Army, Knights of Columbus, and Hebrew Welfare Board, and with any other similar civil auxiliary organization engaged in the work of aiding or entertaining the forces of the United States.

SEC. 3. That the term "foreign service" shall be held to include all service outside the limits of the United States, its Territories and possessions; and the term "foreign country" shall be held to include any country other than the United States, its Territories and possessions.

SEC. 4. That every person in the military or naval forces of the United States while on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, shall, prior to contracting marriage in any foreign country, execute and subscribe an affidavit, in such form as may be prescribed by the Secretary of War and the Secretary of the Navy, in duplicate, before an officer of the military or naval forces of the United States authorized to administer oaths, in which affidavit the person desiring to marry shall make oath that he has attained the age of 21 years, if male, or that she has attained the age of 18 years, if female, and that he or she is unmarried, and knows of no reason why he or she may not lawfully contract matrimony, and said affidavit shall further contain a complete description of affiant, the date and place of his or her entry into the military or naval forces of the United States, or into the auxiliary organization of which he or she is a member, a statement as to whether he or she is a natural born or naturalized citizen of the United States, and if natural born said affidavit shall state the date and place of his or her birth, and if naturalized it shall state the date and place of naturalization; and such other matters as may be specified in the regulations that may be prescribed to carry into effect the provisions of this act: *Provided*, That an alien serving in the military or naval forces of the United States on foreign service shall be subject to the provisions of this act in like manner and under like con-

ditions and penalties as a native-born citizen so serving: *Provided further*, That the officer in command of the unit to which the person making the affidavit is attached shall immediately after the making of said affidavit cause the available records of said unit to be examined and, if such examination does not disclose that any of the statements in said affidavit are untrue, shall thereupon certify that he believes the statements therein to be true, and that he is one of the superior officers of the affiant. One original copy of said affidavit and certificate shall be filed with and become a part of the records of the unit to which the affiant is attached and the other original copy thereof, together with a translation of the same in the language spoken in the country where said affidavit is made and certified to be a true translation by the officer before whom the affidavit was made, shall be delivered to the person making the affidavit.

SEC. 5. That all officers of the Army or of the Navy or of the Coast Guard of the United States who are now, or may hereafter be, authorized to administer oaths for any purpose are hereby authorized to administer the oaths required to be made by this act.

SEC. 6. That any person in the military or naval forces of the United States on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, who shall contract marriage in such foreign country in violation of the provisions of this act, shall, upon indictment, trial, and conviction thereof in the district court of the United States in the district in which he or she may be found, be punished by a fine of not more than $1,000, or by imprisonment in a penitentiary for not more than one year, or both, and any such person who shall knowingly make any false statement in the affidavit herein provided for with reference to any matter herein prescribed to be contained in such affidavit shall be deemed to be guilty of perjury, and upon indictment, trial, and conviction in the district court of the United States in the district in which he or she may be found shall be punished by a fine of not more than $10,000, or by imprisonment in a penitentiary for not more than 10 years, or both.

SEC. 7. That a copy of either of the originals of said affidavit hereinbefore provided for, when duly certified by its official custodian, shall constitute prima facie proof of the fact that the statements therein contained were made, subscribed, and sworn to by the person whose name is affixed thereto as maker thereof, and that the person purporting to administer the oath was authorized so to do.

SEC. 8. That a copy of the certificate of any marriage contracted in accordance with the provisions of this act, when certified by the minister of foreign affairs of the country in which such marriage shall have been entered into, shall, when forwarded to the Secretary of State of the United States, be by him transmitted to the Secretary of War for file in the records of the War Department, provided such certificate shall relate to the marriage of a person in the military forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, or shall be forwarded to the Secretary of the Navy for file in the records of the Navy Department, if such certificate shall relate to the marriage of a person in the naval forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, or shall be forwarded to the head of the department under which the Coast Guard is then operating for file in the records of that department, if such certificate shall relate to the marriage of a person in the Coast Guard, and a copy of any such certificate so filed, shall, when authenticated in the manner prescribed by section 882 of the Revised Statutes, be admissible in any court of law or equity as prima facie evidence of the marriage therein certified.

The amendments were agreed to.

Mr. GRONNA. Mr. President, before the bill is passed, will the Senator from New York give us some information in regard to it? I do not know that I have any objection to it, but it is rather far-reaching.

Mr. WADSWORTH. I can best explain the necessity for this legislation by referring to the committee report, which contains the letter of the Secretary of War. I shall read just a portion of it, and then I think the measure will be clearly understood. His letter states:

You are doubtless aware that the laws of France relative to the capability of persons desirous of contracting marriage are exceedingly complex and call for many official documents showing the past history of the candidates for marriage and which will legally establish the facts that such person is unmarried. It was soon evident that with our Army it was in many cases impossible to comply with the French laws on the subject—

That is, American soldiers simply could not produce these records—

Yet you will understand that in most cases our men would be unfamiliar with the French laws on the subject, and when the persons concerned desired to marry it would be found that the marriage could not be performed, as the necessary documents could not be produced by members of our forces.

* * * * * * *

Consequently an agreement was entered into by the Department of State with the Government of France waiving the excessive requirements of the French law and substituting in place thereof an affidavit setting forth that the person concerned was legally capable of contracting marriage.

The Government of France, while agreeing to this arrangement, is of the opinion that in case such affidavit contains a false statement specific punishment should be provided by law for making such false affidavit, and this bill (S. 3245) was proposed in order that prosecution could be made of such persons either in the Government service or after they had left such service, provided they were still within the jurisdiction of the United States, such person, of course, not being liable to punishment by foreign courts when without the jurisdiction of the country in question.

The proposed bill has not been limited to marriages in France, but has purposely been made broad enough to cover all countries in which our forces may happen to serve in peace or in war, thus giving a statute which it is hoped will govern our forces for all time.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 3184.

WATER-POWER DEVELOPMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Hale	Moses	Smith, Md.
Ball	Harding	Myers	Smith, S. C.
Bankhead	Harris	New	Smoot
Beckham	Harrison	Newberry	Spencer
Calder	Henderson	Norris	Sutherland
Capper	Johnson, S. Dak.	Nugent	Thomas
Chamberlain	Jones, N. Mex.	Overman	Trammell
Colt	Kendrick	Page	Underwood
Culberson	Kenyon	Phelan	Wadsworth
Curtis	Keyes	Phipps	Walsh, Mass.
Dial	King	Poindexter	Walsh, Mont.
Dillingham	Kirby	Pomerene	Warren
Edge	Lenroot	Ransdell	Williams
France	Lodge	Robinson	
Gay	McKellar	Sheppard	
Gronna	McNary	Smith, Ga.	

Mr. GRONNA. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Sixty-one Senators having answered to their names, there is a quorum present.

The first amendment of the Committee on Commerce passed over will be stated.

The ASSISTANT SECRETARY. On page 17, after line 23, strike out:

(e) That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the commission. When licenses are issued that contemplate the use of Government dams or other structures owned by the United States, in the discretion of the commission, the charges to be paid by the licensee may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter, in a manner to be described in each license.

And in lieu thereof insert:

That the licensee shall pay for the license herein granted such reasonable annual charges as may be fixed by the commission for the purpose of reimbursing the United States for the cost of administration of the act in relation to water powers developed under its jurisdiction, in the proportion that the water power developed by the project covered by said license bears to the total water power developed by all projects licensed under the act, and for that purpose such charges may be readjusted from time to time, not oftener than once in two years; the licensee shall also pay for the use and occupation of any public lands and lands in reservations, except tribal lands embraced within Indian reservations, necessary for the development of the project covered by the license such reasonable annual charges based upon the actual value of the Government lands used as may be fixed by the commission; but in no event shall the annual charge for the foregoing exceed 25 cents per developed horsepower: *Provided*, That when licenses are issued involving the use of Government dams or other structures owned by the United States or tribal lands embraced within Indian reservations the commission shall fix a reasonable annual charge for the use thereof, and such charges may be readjusted at the end of 20 years after the beginning of operations and at periods of not less than 10 years thereafter in a manner to be described in each license.

Mr. LENROOT. Mr. President, before the amendment is voted upon I wish to recall to the Senate that it is the amendment which I discussed the other day at some length. Its only purpose is to deprive the Government under any conditions or circumstances from exacting anything more than a nominal compensation for the privilege granted by the license. If the committee amendment is adopted it will be a clear gift of hundreds of millions of dollars to the water-power corporations of the country, without any return to the public.

It will be remembered that the conferees of the two Houses at the last session agreed upon a conference report on a similar bill, and that conference report, so far as compensation is concerned, was substantially in the language of the House bill which the Senate committee amendment seeks to amend. Under the House bill as it will stand, if the committee amendment is not agreed to, discretion is vested in the commission to make a charge for the power produced under the license. Now, it is said that this will be a charge upon the consumer, but I pointed out the other day that there are many, many cases where the consumer will not get the benefit of a nominal rate, and to fail to exact charge is merely to make a gift, without any consideration whatever to licensees under the bill and of something for which they themselves did not ask at the last session of Congress. I should like to know how any Senator can justify a provision depriving the Government of the United States from

seeking compensation amounting to hundreds of millions of dollars when it is not necessary, in order to secure the development of the water powers of the country.

There are two classes of cases where a nominal charge can not be reflected in the rate charged to the consumer or to the public. It is a giving of a special privilege to this class of corporations, and nothing more. Let me give the two illustrations that I gave the other day.

Take the case of a city using, we will say, 10,000 horsepower per day, produced by steam at a cost of $20 per horsepower. There is a demand in that city for an additional 5,000 horsepower, and there is a water-power project that will produce that additional 5,000 horsepower. Suppose the bill is passed and some one gets the license to produce that 5,000 horsepower to meet the increasing demands in the city and that water power can be produced for $10 per horsepower. Does anyone think for a moment that with two-thirds of the consumers in the city using steam power and one-third using water power there will be one rate for one-third of the people of the city and a rate twice as high for the other two-thirds? Of course not. The rate will be the same, and it will be measured by the highest horsepower cost that is furnished to the city. The result is that any public-utility commission in the country would permit a water-power utility to charge for the water power, that it produced at a cost of $10 per year, the same rate that is charged for the steam power, costing $20 per year. The result is that there is a gift to the company over and above a reasonable return upon the investment; there is a gift to them of $10 per horsepower per year. Who will stand here and justify that kind of a gift over and beyond a reasonable return to the public utility?

There is another class of cases that no regulating commission can by any possibility take care of, and that is the case where there is a water-power utility which gets a license under the bill and creates a vast amount of power, and alongside of that dam that utility organizes a manufacturing corporation producing fertilizer or fixed nitrogen. The only competition there is to-day is Chilean nitrate. They can charge what they please up to what the cost of the Chilean nitrate comes to. Suppose they get a license. The purpose of the production of that power is not to be sold to the general public to be regulated by a public-utility commission, but it is for the purpose of using that power themselves in manufacturing. Will anyone say that a State commission regulating the price that the utility company shall charge itself for the power that it itself uses affords any protection to the public? Of course not. There is another illustration where the only return that the public can receive is in the imposition of a charge.

What reason is there for giving to the companies millions of dollars that they never asked for at the last session of Congress? We talk about the development of the water powers of the country in the interest of the people, and I am heartily in accord with that, but if we have water powers in the country, and we have, and private capital is to develop them, there should be no further inducement to that private capital than is necessary to secure the development. They are entitled to a fair return, they are entitled to a liberal return, but when they have that, if we are representing the public interest here and not the water-power interests, we will take care to see that the public will get the benefit of these water powers in the United States.

Therefore, Mr. President, I hope that the Senate committee amendment will not be agreed to, and I desire a yea-and-nay vote upon the proposition in order that Senators may go on record upon it. I ask for the yeas and nays.

Mr. NELSON. Mr. President, a favorite way of arguing sometimes is to state an extravagant and unreasonable case and then to hold it up in holy horror and point out how dangerous it would be to do what is proposed to be done. Now, what are the facts? As a matter of law, aside from purposes of navigation, the use of the water in the different streams of the several States belongs to the people of those States and not to the Federal Government. The argument insisted upon amounts to this: That the Federal Government is to sell and to make a charge for water that does not belong to it, but which belongs to the people of the States.

The Supreme Court long ago, more than 100 years ago, if I recall correctly, or nearly that long ago, in the New Jersey case laid down the principle in reference to navigable waters that such waters belong to the people of the several States, and the interest of the Federal Government in them is only that incident to conserving navigation and commerce.

The Senator from Wisconsin insinuates that under the amendment the bill proposes to give away millions of dollars of the Nation's resources. It proposes nothing of the kind. The people of the States where water powers are to be developed will get the benefit of the development. We say in the amendment—and that is the principle involved—that where a dam is built by private capital, not by the money of the United States, aside from administrative expenses, the expenses of approving the plans and specifications and supervising the work, the Federal Government shall charge for no other expense; that if there is any charge to be made, the authority to impose it lies in the people of the several States. More than that, every time a charge is added, the power developed is made more costly and expensive to the consumer.

The Senator has referred to a few isolated cases that may exist in the country where there may be water-power development near an electric-light plant which is operated by steam. Those cases are very few and far between. I desire to say that where water power is developed and electric power is thereby secured in the neighborhood, it is not likely that any steam plant will be started in competition with it, for it can not compete with it.

I am in favor of the amendment, and so is a majority of the committee, because we believe that the people of the States are the ones who are interested in and are entitled to compensation. We believe that the people of the States should have the benefit of it in two ways: First, if they desire to make a charge for the use of the water, let them make it, but they can reach it in another and better way; that is, by regulating, as the bill proposes, the charge for furnishing electric power.

Why should the Federal Government charge the people of the States for the use of water which belongs to them, where the development is brought about by the capital of the people of the State? Why should the Government charge more than for the expenses involved in such a case?

Mr. President, it is said that there is a water-power trust; that is continually held up before us. I have not seen any water-power people; none of them has ever labored with me since I came to Congress. Long before this bill was pending, when Mr. Roosevelt sent in his letter to the Committee on Commerce, our committee investigated the subject and came to the conclusion that where, by private capital, a dam was built that did not interfere with navigation but rather promoted it, then, and in that event, outside of the administrative expenses, whatever charges were to be made for the use of the water were to inure to the people of the States in one form or another; either directly, if you choose, by way of compensation, or indirectly—which, perhaps, would be the most usual course—by reduced rates.

What is the object of this proposition? It is to give a commission here in Washington authority to exact millions in fees out of the people of the States who have long been waiting to secure water-power development. It is to force millions into the Treasury of the United States. Where the Government itself builds a dam, it is right enough to impose a charge for the Government's money invested in it; but in a case where the Government does not invest a penny, and where the enterprise is really in aid of navigation, I ask why should the people of the States be mulcted and made to pay to the Federal Government for property which the Federal Government does not own?

It can not be gainsaid or denied by any decision of the Supreme Court or any legal authority in this country that, aside from the purposes of commerce and navigation, the use of the water in the several States belongs to the people of the States. If it belongs to the people of the States, why should the Government take the property of the people of the States, sell it to them, and make them pay for it?

In cases where we give the Government control and say no dam shall be constructed without the consent of the Government, that is done for the purpose of giving the Government control of navigation. When we require that the plans and specifications shall be submitted to the Government, we do so in order to see that the Government's wishes in respect to navigation are carried out.

We provide in this amendment that all expenses which the Federal Government incurs in connection with water-power development constructed by private capital shall be reimbursed to the Federal Government so far as the expenses of examining and approving the plan, supervising the work, and seeing that it is executed properly are concerned. Beyond that we leave the property of the State to the State, with the authority in the State to determine whether a charge shall be imposed or a reduction of rates effected. It goes without saying that all the burdens put upon water power in these cases will ultimately come out of the consumer in one form or another. Throughout our country we have valuable water powers which, when developed, the several States can regulate by fixing the rate to be charged for the use of such power. If the Federal Government is not allowed to exact tribute or royalty or tolls, as it has been insisted by one class of men in this country it should exact, the consumers in the States will get the benefit.

It does no good to hold up a scarecrow and say "we are giving away millions." The Federal Government is not giving away any of its property; it is simply consenting that the people of the several States may use their own without paying tribute to the Federal Government.

Mr. President, I do not care about entering further into the discussion of this subject. I have gone through it time and again; I have written several reports, both as a member of the Committee on Commerce and as a member of the Committee on the Judiciary; I have investigated this question from end to end; and I have never yet found any legal authority for the contention that the waters in the navigable streams in this country, outside of commerce and navigation, belong to the Federal Government.

Reference has been made to the Chandler-Dunbar case; but in that case Congress passed an act declaring that all the water in the stream involved and all of the land beyond the canal strip and the international boundary was needed for the purposes of navigation, and hence that the Federal Government had a right to take it, because they did so not for water-power purposes but for the purposes of navigation.

Mr. President, I have briefly stated my views on this question, and they are the views, I think, of most men who have given the legal question any study. Much has been made of the fact that State utilities commissions and the States themselves would not be apt to reduce rates. That is assuming that the authorities of the States will fail to do their duty. In connection with that assumption is another one to which I have already referred, namely, that in the case of many water-power projects there will also be power plants generated by steam. That will happen only in a very few cases. As I said a moment ago, if a water-power plant is installed in the first instance, affording the people the cheap power which they ought to have, steam power will never be installed side by side with it.

Mr. President, in this contention I am for the rights of the public and of the people of the States. It is untrue that we are making a gift to any water-power trust, as Senators insinuate. We are, I repeat, simply giving the people of the States what is their own, for which they do not owe a thing to the Federal Government. It is simply because the Federal Government controls navigation that the people of the States have to come to Congress and ask consent to develop water powers on navigable streams. Because of that element the argument is made, "Oh, yes; we will give you consent; but, if you want consent, you have got to pay for this whole thing, for the use of the entire power," as though it belonged to the Government of the United States. "We admit that the States have some property in these waters, but inasmuch as you come here and want the privilege of building dams you must pay for the entire value of the power created, regardless of the question whether or not it belongs to the Federal Government."

I can not agree to any such doctrine. While I am as strongly in favor as any other Senator of sustaining the Federal Government in peace and in war and at all times, I am equally interested in sustaining the power and authority and interests of the several States. Our Union can only exist and be perpetuated as the fathers ordained it by according not only to the Federal Government its just rights but by according to the several States of the Union and the people of those States the rights and the property that belong to them.

Mr. NORRIS. Mr. President, I am not going to discuss the legal right of the Government to charge a license fee. I believe that will be conceded. I am not going to enter into a controversy with the Senator from Minnesota on the proposition that the water does not belong to the Government of the United States; but I do contend that since the dams can not be constructed and these water-power propositions developed without the consent of the Federal Government, the Federal Government has a legal right and a moral right to grant the concessions on such terms as it may see fit. It follows, therefore, that it has a right to charge if it wants to.

I would be the last man in the world to make even any charge if in all cases the people of the country got the full benefit. I do not, however, agree with the contention that is made that the people will get the full benefit. There might be instances where they would; but the Senator from Wisconsin, I think, has very clearly pointed out by way of illustration two or three instances where it would not be done.

There are a great many other illustrations that might be given. It does not necessarily follow, because part of the power, we will say, for a city, is developed by steam and part by water, that that is the only instance. It may be, and it is true, that a great many instances where the rates to be charged must be the same come from the development of various water powers in addition to steam; and one may be expensive, and the other much less expensive.

In the case that the Senator from Wisconsin puts, where a part of the power for a city, let us say, is developed by steam and costs $20 a horsepower, and the balance of the power is developed by water that costs $10 a horsepower, when the civil authorities of that State come to fix the charge that the consumers of that power or that light must pay to the company that develops it, they can not fix two rates. It must be one rate, and they must fix a rate that will enable the company in developing the power to make a reasonable interest return on the investment in the steam plant. When they do that they give them an exorbitant profit on that part of the power that is developed by water.

The Senator from Minnesota says we are taking it away from the people. Let us see. Take that illustration. Who is going to get the difference? Why, of course, it follows that the corporation or the individual or the partnership developing the power, owning the steam plant and the water power is going to get it, and upon the water-power part of the development it is going to make an enormous profit. The people are not going to get the benefit of it. The people are going to pay according to the investment in the steam plant, the more expensive part of the power that is necessary to give them electricity.

Now, how are you going to give it to the people? The method provided by the House bill, the proposition argued by the Senator from Wisconsin, is in my judgment the only way in which you can give it to the people. Let this commission in that case charge a rate for a license for the development of the power that comes from the water that will be sufficient to make up the difference; otherwise the company developing the water power would make all of the difference, and the people of the immediate vicinity would get no benefit whatever from it.

How do the people get it? Later on in this bill, unless another Senate amendment is agreed to that I think ought not to be agreed to, it is provided how this license money gets back to the people. It is turned over to the reclamation fund, to the national forests, and to some other activities, all going to the benefit of the people. Otherwise, the water-power people get it, and the public get nothing.

There are a great many instances where water power is developed in some system from various dams where perhaps steam has nothing to do with it. One is expensive, and the other is not; but, since they are combined and used in the same business, whatever it may be—it may not be a municipality; it may be sold to private users without the instrumentality of a municipality—although it costs in one case twice as much as in another, the rate to be charged must be the same. This device that is in the House bill, and which the Senate amendment would take away, enables the commission to equalize that, and to give back to the people in the way of a license fee that which in one case would otherwise give them an exorbitant profit.

I agree with the Senator from Minnesota that I want to get this to the people just as nearly as possible at cost; and if we could have a case—and there will be many such—where the development of a water power probably will supply some section of the country completely, and it will not come in competition with steam power or with some other water power that costs more money to develop it, it will be the duty of the commission in that case to charge a license fee that will be nominal, probably. The people in that case get the benefit of it; but in order to safeguard it and let the people get the benefit of it in every case, it seems to me it is absolutely necessary that the commission should have the authority, and should exercise it, to charge a license fee according to the conditions of each particular project and each particular locality that must be supplied.

Mr. LENROOT. Mr. President, the Senator from Minnesota [Mr. NELSON], for whom, of course, I have the highest respect, does not seem to distinguish between the people of a State and a water-power corporation within that State. During the course of his argument he assumed that a gift to a water-power corporation was a gift to the people. I am not going to stand in my place here and argue that a water-power corporation, a water-power utility, and the people of a State are the same thing.

The Senator from Minnesota argues that we are depriving the people of a State of something under this amendment. Why, Mr. President, we are doing nothing but saving to the people of a State some of the benefits of a resource over which that State, as a member of this Union, has control and giving it to special privilege, and you can not get away from it.

The Senator says we have no right, either legal or equitable, to exact a charge when we are only giving our consent, and

in the very next breath he admits that the Government itself might erect every one of these dams and make a charge. What is a licensee under this bill but an agent of the State? And if the Government itself could build these dams and make a charge for the power produced, why can it not and why should it not say to its agents, "Instead of your having all that the Government might make out of this dam, you shall only have a portion of it and the people of the United States shall retain the balance"?

The Senator made the old argument that the consumer would have to pay a higher rate. If this discretion is vested in the commission—and that is all that is proposed in the House bill—I do not want to see anything more than a nominal charge in any case where there is a general distribution of the power, based upon a rate that will afford only a fair return upon the capital invested; but I do want the commission to exercise that discretion, so as to prevent these utilities in addition to getting this fair return from making exorbitant returns out of the people of this country.

No, Mr. President, in my judgment there can be no defense for the Senate amendment; and with all due respect to the Senator from Minnesota, if one stands here representing the public interest I do not see how he can support this Senate amendment. It is true that these water-power interests want to get all they can. I do not blame them for that. We are the ones that are to blame if we give them all that they ask for, and it ought to be a sufficient standard or guide as to how much it is necessary to give them to secure development when they said less than a year ago that they were willing to develop the water powers of this country, with the right of the commission to make a charge, just exactly as I now propose. Does the Senator from Minnesota now give any reason why we should give these interests special privileges greater than they were asking for last March? And if no reason exists, how can any Senator justify his vote for this Senate amendment?

I ask for the yeas and nays on the amendment, Mr. President.

Mr. NELSON. Mr. President, I repel the insinuation in the remarks of the Senator from Wisconsin [Mr. LENROOT] that we who advocate this principle represent the water-power corporations or their interest. I have been in public life a good many years, and I never have had the insinuation thrown up against me, directly or indirectly, that I represented any special interest or had been willing to turn over the property of this Government into their hands. I have always, in my service here, aimed to protect not only the Government of the United States but the rights of the people of the several States, and when the Senator says he can not see how any man can vote for this amendment he implies that the side that takes his view of the case is the only just side, and that the other side is morally wrong. That kind of an argument does not appeal to me, and I simply rise to protest against that form of argument.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. NELSON. I am through.

Mr. LENROOT. I just want to say that, of course, I never said nor did I ever intend to intimate that the Senator from Minnesota represented any special interest. I know him better than that. We all know him better than that. I merely said, and I reiterate, that the position he takes, however honest it may be, is clearly in the interest of the water-power companies, and, in my judgment, against the interest of the public. I have a right to my opinion. He, of course, has a right to his.

The PRESIDING OFFICER. The question is on the amendment of the committee, on which the yeas and nays have been requested. Is the request seconded?

The yeas and nays were ordered, and the Reading Clerk proceeded to call the roll.

Mr. NEWBERRY (when his name was called.) I am paired with the senior Senator from Missouri [Mr. REED] and withhold my vote.

Mr. THOMAS (when his name was called). Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not.

Mr. THOMAS. I transfer my pair with that Senator to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. KENDRICK. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. GRONNA. I wish to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness. If present he would vote "nay."

Mr. DILLINGHAM. May I inquire if the Senator from Maryland [Mr. SMITH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DILLINGHAM. Then I withhold my vote, having a general pair with that Senator.

Mr. EDGE. Has the Senator from Oklahoma [Mr. OWEN] voted?

The PRESIDING OFFICER. He has not.

Mr. EDGE. In his absence I will withhold my vote. If permitted to vote I would vote "yea."

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague, the senior Senator from Florida [Mr. FLETCHER] on account of illness.

Mr. WALSH of Montana (after having voted in the negative). I voted, not knowing of the absence of my pair, the Senator from New Jersey [Mr. FRELINGHUYSEN]. I transfer my pair to the Senator from Texas [Mr. CULBERSON] and allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I notice the absence of the Senator from Pennsylvania [Mr. KNOX]. In his absence I voted inadvertently. I transfer my pair with that Senator to the Senator from Arizona [Mr. ASHURST] and let my vote stand.

Mr. BALL. I transfer my pair with the senior Senator from Florida [Mr. FLETCHER] to the Senator from Kansas [Mr. CURTIS] and vote "yea."

Mr. EDGE. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. GERRY. The Senator from Virginia [Mr. SWANSON] and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate on account of illness in their families.

The Senator from Delaware [Mr. WOLCOTT] is absent on public business.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from Tennessee [Mr. SHIELDS];

The Senator from Washington [Mr. JONES] with the Senator from Virginia [Mr. SWANSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 28, nays 29, as follows:

YEAS—28.

Ball	Edge	Nelson	Spencer
Bankhead	Hale	New	Sterling
Borah	Harding	Overman	Sutherland
Brandegee	Jones, N. Mex.	Page	Underwood
Calder	Lodge	Phipps	Wadsworth
Chamberlain	McNary	Sherman	Warren
Colt	Moses	Smoot	Watson

NAYS—29.

Beckham	Henderson	McKellar	Thomas
Capper	Johnson, S. Dak.	Norris	Trammell
Dial	Kendrick	Nugent	Walsh, Mass.
Gay	Kenyon	Phelan	Walsh, Mont.
Gerry	Keyes	Ransdell	Williams
Gronna	King	Sheppard	
Harris	Kirby	Smith, Ga.	
Harrison	Lenroot	Stanley	

NOT VOTING—38.

Ashurst	Frelinghuysen	McLean	Shields
Culberson	Gore	Myers	Simmons
Cummins	Hitchcock	Newberry	Smith, Ariz.
Curtis	Johnson, Calif.	Owen	Smith, Md.
Dillingham	Jones, Wash.	Penrose	Smith, S. C.
Elkins	Kellogg	Pittman	Swanson
Fall	Knox	Poindexter	Townsend
Fernald	La Follette	Pomerene	Wolcott
Fletcher	McCormick	Reed	
France	McCumber	Robinson	

So the amendment was rejected.

Mr. SMOOT. Mr. President, I desire to reserve the right for a vote upon this amendment when the bill reaches the Senate.

The next amendment passed over was, on page 19, line 16, to strike out "50" and insert "200," so as to read "not more than 200 horsepower."

The amendment was agreed to.

The next amendment passed over was, on page 20, in line 21, after the word "prohibited," to strike out the remainder of the paragraph and to insert:

In issuing licenses for a minor part only of a complete project, or for a complete project of not more than 200 horsepower capacity, the commission may, in its discretion, waive such conditions, provisions, and requirements of this act, except the license period of 50 years, as it may deem to be to the public interest to waive under the circumstances.

Mr. CURTIS. Mr. President, I was called out on official business and was unable to be present at the former vote. At this time I suggest an amendment to the chairman, and hope he may be able to accept it. I move to amend by adding at the end of the bill the following:

Provided, That the provisions hereof shall not apply to lands within an Indian reservation.

Mr. NELSON. I have no objection to the amendment suggested by the Senator from Kansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The READING CLERK. The next amendment passed over is on page 26. All the amendments are agreed to except on line 20, before the words "then the commission," where the committee inserted "which is accepted."

Mr. NELSON. Mr. President, an amendment was adopted the other day, offered by the Senator from Montana [Mr. WALSH], which covered a part, but not entirely all, of the provision from the word "*Provided*," in line 17, page 26, down to the word "then," in line 20. In order that I may perfect the amendment, I move to reconsider the vote on the amendment offered by the Senator from Montana.

The motion to reconsider was agreed to.

Mr. NELSON. I now offer as a substitute for that amendment the following:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or tender a new license to the original licensee, upon the terms and conditions aforesaid, which is accepted.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. LENROOT. Mr. President, a parliamentary inquiry. This is not a substitute for the amendment that was reconsidered. If the Senator will strike out the words "which is accepted" it will be, but the words "which is accepted" have never been agreed to, and we can take up that amendment later.

Mr. NELSON. There are other words that were not in the amendment. The words "upon the terms and conditions" were not in the amendment. I offer a substitute for the whole paragraph from the word "*Provided*" down to the word "then," in line 20.

Mr. LENROOT. Mr. President, is it in order to offer in lieu an amendment that covers two lines of a long proviso, a substitute that covers the entire paragraph, which contains amendments that have been proposed and have never been acted upon?

The PRESIDING OFFICER. The question is first on the amendment which has been reconsidered.

Mr. LENROOT. That is the question. Now, the Senator from Minnesota offers an amendment which he terms a substitute, which is not a substitute for that amendment, but is a substitute for the entire proviso.

The PRESIDING OFFICER. The question is upon the amendment which was reconsidered.

Mr. LENROOT. Very well. I am in favor of that.

Mr. SMOOT. The amendment having been reconsidered, of course the question before the Senate is as the Chair states, but the Senator from Minnesota offers a substitute for the amendment now before the Senate, and under the rules he has a right to do that.

The PRESIDING OFFICER. He has a right to offer it, but not as a substitute. The Secretary will read the proviso.

The Reading Clerk read as follows:

Provided, That in the event the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a new license to the original licensee——

Mr. SMOOT. "Upon the terms and conditions."

Mr. NELSON. That is as far as the amendment of the Senator from Montana [Mr. WALSH] went. My substitute includes that and then includes the words "upon the terms and conditions aforesaid" and the words "which is accepted." The amendment is now before the Senate and I have a right to offer a substitute.

The PRESIDING OFFICER. It is a substitute for the amendment, but the Senator, as the Chair understands, offers in addition to that to amend the text.

Mr. SMOOT. To bring the question directly before the Senate, if the Senator will offer an amendment to that amendment by adding the words "upon the terms and conditions aforesaid, which is accepted "——

Mr. LENROOT. "Which is accepted" is already pending as a Senate committee amendment.

Mr. NELSON. I offer that as an amendment or substitute. A substitute is simply an amendment. I offer it as an amendment to the amendment of the Senator from Montana [Mr. WALSH], and it differs from that in including the words "upon the terms and conditions aforesaid, which are accepted."

Mr. LENROOT. Why should the Senator be unwilling to let the Senate act separately upon the words "which are accepted"? There is no objection to his proposal for the substitution of those words. Why should the Senator be unwilling to have the Senate have a yea-and-nay vote on the words "which is accepted"?

Mr. WALSH of Montana. May I suggest that the Senator can accomplish that by asking for a division of the question?

Mr. LENROOT. That probably can be done, but may we have the Secretary read the proviso as it would read if adopted?

The Reading Clerk read as follows:

Provided, That in the event that the United States does not exercise the right to take over or does not issue a license to a new licensee or tender a license to the original licensee upon the terms and conditions aforesaid—

Mr. LENROOT. Let us adopt that.

Mr. SMOOT. Why not allow the Senator from Minnesota to make a motion now to amend the amendment? The result will be exactly the same. If we vote to accept the amendment to the amendment it then becomes a part of the amendment, and then it will be adopted as a whole.

Mr. NORRIS. Mr. President, I think the Senator from Minnesota [Mr. NELSON] does not understand the parliamentary situation to be the same as that disclosed by what the Clerk has read. The proviso read by the Clerk as the amendment would be agreed to does not contain the words "which is accepted." If the Chair holds that the Senator from Minnesota has the right to offer what he has offered as a substitute, then I want to have an opportunity to make a motion to amend the substitute by striking out the words "which is accepted."

The PRESIDING OFFICER. The Chair holds that the amendment offered by the committee inserting the words "which is accepted" is the question now pending.

Mr. NORRIS. I agree with the Chair, but the Senator from Minnesota [Mr. NELSON] did not understand it that way.

The PRESIDING OFFICER. The amendment which was adopted has been reconsidered and the Senator from Minnesota has offered a substitute for the amendment heretofore adopted.

Mr. NORRIS. Does the Chair hold that he can do that?

The PRESIDING OFFICER. The Chair thinks not.

Mr. NORRIS. That is all I want to know. That makes it clear.

Mr. SMOOT. There is no question but that the Senator from Minnesota can offer an amendment to the amendment.

The PRESIDING OFFICER. He can offer an amendment to the amendment.

Mr. NORRIS. Let me make a suggestion to the Senator from Utah. Here we have a committee amendment pending, the words "which is accepted." Suppose the Senator from Minnesota offers his amendment to the amendment of the Senator from Montana, why do we want to have the amendment pending to the amendment of the Senator from Montana, and have also pending the committee amendment? We ought to have one vote on it and let that end it. I do not care at which place it comes, but I do not think it is quite fair to propose it first as an amendment to the amendment of the Senator from Montana, when there is already pending before the Senate a committee amendment. Why not adopt the amendment of the Senator from Montana, and then we will come to the other amendment that is pending and can vote on it, and it will show the sense of the Senate when that vote is taken.

Mr. SMOOT. If we adopt the amendment now, then the amendment can not be offered to that amendment in the Committee of the Whole.

Mr. LENROOT. Oh, yes; a substitute can be offered for the whole thing.

Mr. SMOOT. Yes; a substitute can be offered for the whole thing, but we have already passed upon all of it except the three words "which is accepted."

Mr. LENROOT. No; that is not true. The Senator has an amendment to which there is no objection, inserting "upon such terms and conditions."

Mr. SMOOT. I understand the amendment of the Senator from Montana adds the words "upon the terms and conditions aforesaid."

Mr. LENROOT. Oh, no.

Mr. SMOOT. Then the statement made by the Senator from Nebraska [Mr. NORRIS] was hardly correct when he said "which is accepted" is the only question.

Mr. NORRIS. That is all there is in dispute here.

Mr. NELSON. If the amendment of the Senator from Montana is read it will be found that it covers everything as the bill was reported, except the words "upon the terms and conditions aforesaid" and the words "which is accepted." Those are the two clauses added. He offered that amendment to the proviso. I moved to reconsider the amendment, and it was reconsidered. Now I have a right to offer an amendment to that amendment or to move a substitute for it as an entirety.

Mr. LENROOT. Does the Senator offer it as a substitute?

Mr. NELSON. I offer it as a substitute.

Mr. LENROOT. Then I ask for a vote upon the pending committee amendment before the substitute is voted upon. We have a right to perfect it first.

Mr. NORRIS. The Chair has held that he could not offer it.

Mr. SMOOT. I think the Chair is right as to the substitute but not as to the amendment. If the Senator from Minnesota desires to offer it as an amendment to the amendment, then it would be within the rule.

Mr. NELSON. That is what I do. I offer it is an amendment to the amendment of the Senator from Montana. We had the proviso before us the other day, and the Senator from Montana moved an amendment to that paragraph of the bill. I asked to-day to have that amendment reconsidered, and it was reconsidered. I now offer an amendment to his amendment, which is proper. When we had the bill under consideration that amendment was in order, and now when the amendment is reconsidered I have a right to offer an amendment to the amendment. There can not be any doubt about it.

Mr. LENROOT. If the Senator from Minnesota offers the amendment, I make the point of order that it is in fact a substitute, and we are entitled to perfect the text as proposed by the committee before voting upon his substitute.

Mr. SMOOT. To vote upon the amendment offered by the Senator from Minnesota is to perfect the text, and a vote to perfect the text comes before a vote upon the question itself.

Mr. LENROOT. No; there is a Senate committee amendment pending upon which we are entitled to have a vote before we vote upon anything striking that out.

Mr. SMOOT. The Senator will get a vote directly upon the words "which is accepted" by voting for or against the amendment of the Senator from Minnesota.

Mr. LENROOT. Mr. President, I am surprised that the proponents of this proposition are for some reason unwilling to have the Senate vote upon the sole question whether we shall make this a perpetual franchise.

Mr. SMOOT. Mr. President, I wish to say that the proponents of the measure have no idea of preventing a vote. If we vote now upon the motion made by the Senator from Minnesota we vote directly upon that question. When we vote on the amendment to the amendment offered by the Senator from Montana, and that is disposed of, if it is carried, then we would vote on whether we shall substitute that for the committee amendment. So we get not one vote but two straight votes.

Mr. LENROOT. The Senator from Utah is entirely wrong. The amendment proposed by the Senator from Minnesota we are in favor of in part and in part we are opposed to it.

Mr. SMOOT. Then all the Senator has to do is to ask for a division. There will be no question about it.

Mr. LENROOT. Why do the Senator from Minnesota and the Senator from Utah object to having a straight vote upon the words "which is accepted," as contained in the Senate bill?

Mr. SMOOT. The Senator from Utah does not object.

Mr. LENROOT. Then why does the Senator from Minnesota object?

Mr. SMOOT. I do not think the Senator from Minnesota objects.

Mr. LENROOT. Then why not consent to omitting the words "which is accepted" from the amendment? Then we will adopt that amendment and vote on the other separately.

Mr. WALSH of Montana. Mr. President, a parliamentary inquiry. Assuming the substitute proposed by the Senator from Minnesota to be in order, I inquire of the Chair whether it is open to a division so that a separate vote can be had upon all the substitute except the words "which is accepted" and a separate vote upon that part of the substitute?

The PRESIDING OFFICER. The Chair so holds.

Mr. WALSH of Montana. Then why should we hesitate to proceed in that way?

Mr. LENROOT. I am perfectly willing to accept the ruling of the Chair, but it is very clear it is not open to a division, because there are not substantive propositions, each of which may stand alone, which is the rule regarding the division of questions. "Which is accepted," if the other portion of the amendment were not voted upon, would mean nothing.

Mr. NORRIS. A parliamentary inquiry, Mr. President. Has not the Chair already decided that the substitute offered by the Senator from Minnesota can not contain the words "which is accepted"?

The PRESIDING OFFICER. No. The amendment was reconsidered, and the Senator offered his substitute, and the Chair decided that the Senator could not include in that substitute an amendment proposed by the committee that has not been acted upon.

Mr. NORRIS. I understand that.

The PRESIDING OFFICER. The Senate has a right to pass upon the committee amendments.

Mr. NORRIS. Mr. President, then I understand that the Senator from Minnesota offers it as an amendment, and the Chair holds that he can include in it the words indicated?

The PRESIDING OFFICER. The Senator can offer any amendment he desires to the bill in order to perfect its text.

Mr. NORRIS. As a matter of fact, the Senator from Minnesota offered it as a substitute, and so stated at the time. I am interested in making this inquiry for the reason that I make the point that it is a substitute. I do not care what it is called; you can not make it anything else by calling it something else. I wish to call the attention of the Chair to the fact that if it is a substitute and the Chair should hold that the Senator had a right to include in the substitute the words "which is accepted," then I was going to make a motion to amend the substitute by striking out those words. If it is offered as an amendment—if such a thing were possible—then it is not subject to further amendment, for it is already an amendment to an amendment, which, under the rules of the Senate, can not be amended.

When all Senators concede that the only thing in dispute here or anywhere, so far as I know, is whether the words "which is accepted" shall be included or excluded from the legislation, why should we not have a vote directly on that proposition? No Senator objects to the remainder of the proposal of the Senator from Minnesota; it is conceded, I think, by everybody that it is all right and we are all ready to vote for it; but I do not like the idea, whether intended or not—and I do not presume it is so intended, though it has that effect—of saying, "We will offer this first as a substitute; then if the Chair holds that it is not a substitute, we shall offer it as an amendment; we will put these words in; and we will thereby make it out of order to move to strike them out"; so that some of us will have to vote for something that we do not want in order to get something that we do want. If the amendment should be agreed to, it becomes a part of the bill, and it would not make any difference what happened to the committee amendment; nobody would care. Those who are behind the bill would be agreed that it should be defeated, because the objectionable words would be already included in the bill. If the Chair is going to hold to that effect, Senators who are in favor of the amendment, but opposed to the portion of it including the words "which is accepted," will be put in the attitude where there never will be an opportunity to vote directly upon that proposition and have the vote count.

I repeat we are in favor of the remainder of the amendment; but if we agree to the words to which I have referred, we put them in the bill. Then the Chair will say, "The next amendment is the committee amendment, found on line 20, to include the words 'which is accepted.'" It can then be said, "Why, yes; we will vote with you and strike that out, because we have already inserted it in the other amendment." I hope we are not going to place the Senate in that kind of a parliamentary predicament, where those who want to strike that language out are not going to have an opportunity to do so and have their action effective. The words objected to are going to be put in the bill twice—that is the effect of the procedure here—and they are going to be put in in connection with other words which all Senators desire to have inserted, under a parliamentary procedure under which it is not in order to strike the words out of the amendment. If a Senator had no idea whatever about parliamentary procedure, common justice would demonstrate that that would be so unfair and so unreasonable that it could not stand anywhere.

The PRESIDING OFFICER. The Chair thinks unquestionably that the Senate has a right to pass upon the committee amendment.

Mr. NELSON. Mr. President, the Senator from Nebraska [Mr. NORRIS] makes a distinction between a substitute and an amendment. A substitute is only an amendment. If a measure is pending and a substitute is offered for it, it is simply an amendment. There is no distinction in the parliamentary situation between a substitute and an amendment. We use the term "substitute," but it simply means an amendment. If Sen-

ators do not like the amendment I have offered, they can vote it down, and then offer another amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Minnesota.

Mr. WALSH of Montana. Mr. President, I ask for a division of the question. I request a vote on all of the amendment except the words "which is accepted."

Mr. NELSON. I have no objection, Mr. President, to dividing the question; but I do object to the charges and insinuations made by the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair understands there is no objection to the adoption of that part of the substitute offered by the Senator from Minnesota which does not include the words "which is accepted." If there is no objection, the amendment, with the exception of the words indicated, stands adopted by the Senate. Then the question recurs on agreeing to the words "which is accepted."

Mr. LENROOT. Mr. President, just a word upon this amendment. I desire again to reiterate that in the position which I take, I do not wish to reflect in the slightest degree upon the good faith of the Senator from Minnesota [Mr. NELSON]. But having said that, I must be permitted to express myself most freely upon the effect of the Senator's course, so far as the public interest is concerned.

I desire to say, Mr. President, just a word now to the Senators on this side of the aisle. There is nothing that has come up within the last 12 months, if this amendment be adopted which the Senator now proposes, that will be a greater reflection upon the Republican Party than the action of the Senate here to-day in connection with the other amendment, which fortunately was lost by one vote.

Mr. President, it is not long ago that the Senate took action with reference to special privilege toward labor; it is not very long ago that the Senate incorporated in the railroad bill an antistrike clause. We found many Senators then declaiming against special privilege; but where are those Senators now when it comes to a special privilege to organized wealth in this country? Where are those Senators this afternoon when it is proposed by these amendments to give away the most valuable resources remaining in the control of the people of the United States; giving them away not for 50 years, but if the amendment which is now proposed be accepted, if we do not strike out the words "which is accepted," giving them away forever? Oh, what a record the Senate will make this afternoon if it adopts the amendment proposed by the Senator from Minnesota!

Mr. STERLING. Mr. President, if the Senator will explain a little more fully why it is that he thinks these special privileges are given away by the use of the words "which is accepted," I shall be glad to hear him. My attention has been called only lately to this proposed amendment. I did not hear the discussion of the amendment of the Senator from Montana the other day.

Mr. LENROOT. Mr. President, I shall be very glad to accede to the request of the Senator from South Dakota. Under the previous sections of this bill it is proposed—and of that I am in favor—to grant a license for a term of 50 years for the development of navigation and water power. We are all in favor of that; but then we come to the proviso—

That in the event the United States does not exercise the right to take over—

I am reading now from the text of the bill, and the amendment does not change this feature in any respect—

or does not tender a new license on reasonable terms to the original or a new licensee which is accepted, then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license is issued as aforesaid.

Mr. STERLING. The amendment of the Senator from Montana, as I understand, proposed to strike out the words "on reasonable terms."

Mr. LENROOT. "On terms and conditions as aforesaid." That will be the Senator's amendment, and I have no objection to that.

Mr. STERLING. But the words "on reasonable terms," in line 19, are to be stricken out, according to the amendment of the Senator from Montana.

Mr. LENROOT. Those words are to be stricken out. The Senator, I take it, wants to know in what way this becomes a perpetual franchise?

Mr. STERLING. Yes.

Mr. LENROOT. Under this proviso there are three things that may occur. The United States may take over the plant and pay the net investment and severance damages. I showed the other day that it might easily be that the severance damages under the bill with this proviso would be more than the cost of the entire project. The Government might take it over itself, or it might issue a new license to a new licensee; but if it did that the new licensee would have to pay exactly what the Government would have to pay, and neither the Government nor the new licensee under the terms of this bill can ever take it over at what it cost the original licensee, or ever take it at what it is worth either to the Government or to any third person, because the severance damages constitute no element of value; the new licensee gets nothing of value in money which he is required to pay for severance damages. So the Government would not take it over, and the new licensee would not take it over.

Then what happens? It is provided in the first part of the section that a new license may be tendered the original licensee under such terms and conditions as may be authorized or required under then existing laws and regulations. Now comes the proviso that if the Government does not take it over, or a new license is not issued to a new licensee, or a new license tendered to the original licensee which is accepted, then a license shall be issued from year to year.

Mr. STERLING. May I ask the Senator from Wisconsin must there not be in any event an acceptance of the tender of the Government?

Mr. LENROOT. No; they will get a license from year to year, going on forever, by simply saying, "We will refuse to accept."

Mr. STERLING. Will it go on forever, may I ask the Senator?

Mr. LENROOT. Unless the Government takes it over, it will.

Mr. STERLING. The Government can take it over at any time, can it not?

Mr. LENROOT. Oh, yes; of course it can, by paying, as I just stated, not only all that was invested in it but such severance damages as may be allowed. As I said the other day, it is a curious fact, Mr. President, that most of those who argue that this is a protection to the Government because the Government has the right to take over the project, when you ask the question whether they are in favor of Government ownership of these utilities will say "No." What becomes of the sincerity of such an argument as that? So this is, for all practical purposes, a perpetual license, unless the Government itself shall go into the business not only of taking over water powers but into the general public-utility business of furnishing power and light and heat to the people of this country.

So, Mr. President, unless the words "which is accepted" are stricken out of the bill, the record that will be made to-day will be the granting of perpetual franchises to these water-power utilities, beyond the power for all time to come of regulation or compensation in the public interest. I should be sorry to see any such record made here to-day, whereby the Republican Party, so far as it is represented in the Senate of the United States, shall take a position against special privilege to labor and to the men who toil but in favor of special privilege and perpetual franchises to the wealth of this country.

Mr. SMOOT. Mr. President, I can not understand why the Senator from Wisconsin claims that there is a perpetual license granted under the provisions of this bill if the words "which is accepted" remain a part of it. I can not see that special privileges are granted to the capitalistic class of America, the men who advance the money for the building of these plants and the establishment of this industry. I have tried to follow the Senator very carefully in what he says, but it is impossible for me to see this question as he has portrayed it.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. If the license is not accepted under the proviso, what happens?

Mr. SMOOT. Will the Senator allow me to come to that in the way I intended to? I will gladly answer it then.

Mr. LENROOT. To be sure.

Mr. SMOOT. In the first place, I want it distinctly understood that I am not in accord with the statement made that the bill gives away the last of the natural resources of the country. The bill gives away nothing. The company which develops a water power secures the money for so doing and runs all of the chances of the enterprise being a success or a failure. The Government of the United States takes no chances whatever. If it is not a paying proposition, the Government of the United States would still collect as much money as the contract calls for for every horsepower that is developed upon the project. Not only that, but the price at which the power

can be sold is to be fixed, regulated, and controlled by officials of the Government; and I now state, as far as I am personally concerned, I would not want to take any interest whatever in any power project that may be undertaken under the provisions of the pending bill.

The pending bill is a compromise measure, just the same as the leasing bill was a compromise measure, and agreed to with a hope of future development of the natural resources of our Western States, which at the present time and for years past have been locked up and the situation absolutely controlled by the bureaus here in the departments at Washington, so that all development of water power ceased. If any person or persons undertake to develop a water power, even though the site be upon lands not withdrawn from entry, as soon as the announcement is made by the party who has concluded that a power plant could be successfully established, the Government of the United States, no matter how much money he has spent upon his preliminary work, immediately withdraws it, and all improvement ceases.

So, Mr. President, there is not very much of a gift found in the provision of the pending bill, and there never can be a very great profit made out of any project developed under it. I think that more benefit will come to the country by the passage of this bill from power plants developed upon navigable streams of this country than in the sparsely settled Western States, where the great inland water powers can be developed. I know of electric power companies investing large amounts of money in the development of power, and it has taken 10 years or more before even the running expenses of the company could be paid from the revenues received from the sale of the power.

I am not objecting to the regulation on the part of the Government, as provided in the bill; but I do think that every charge that is imposed upon every horse power generated will be passed on to the consumer, and at the same time the people living in the States where these power sites are located prevented from collecting taxes from withdrawn lands, in some cases reaching as high as 76 per cent of the area of the State, and that being so you can readily see that all the expenses of maintaining an orderly form of government must be met by the imposition of taxes upon the industries and improvements of the remaining 24 per cent of the area of the State. The Government of the United States holds its hand over that 76 per cent. No taxes can be imposed, no development can be made, and the State is barred from receiving any benefits of taxation.

The Senator asks if the Government does not take over the license at the end of 50 years, what is going to happen? If a new licensee does not take it over at the end of 50 years, what is going to happen? Why, Mr. President, if the Government will not take over the plant at the end of 50 years, and if it can not find a new licensee, it will be operated by the owners from year to year until the Government does take it over or finds a new licensee. What reason for complaint has the Government or the people if the plant is so uninviting that a new licensee can not be found or the Government itself decides it is not worth the taking over?

Why, Mr. President, is the privilege of allowing the owners of the plant to run it another year a special favor, a special privilege to the company that has put its money into the business and operated it for 50 years? Nonsense! The company may only be making a profit of 1 per cent. It may be that it is making no profit at all, and under such conditions a new licensee would not want to take it over. Why should he? He can find better use for his money. If it is in such condition that the Government will not take it over, what disadvantage is there to the Government or the people if the man who has developed the property runs it for another year, and at the end of just one year's extension, if the Government will not take it over or a new licensee can not be found that will take it over, who is going to be hurt if it is operated by the owners? The Government will be getting its charges for another year. Every 12 months the same question will arise. Does any Senator think for a minute that a concern operating a plant of that kind wants to be put in that position, that it knows nothing about what is going to happen to its business at the end of every 12 months?

I want to say that the result will be that when a company constructs one of these plants, unless at the end of 50 years the Government wants to take it over, and it is profitable to do so, or unless the Government can find a new licensee, you can depend upon it that there has not been very much profit for the man who is operating it under the 50-year lease.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. Would the Senator be willing, then, to vote for an amendment striking out the provision with reference to severance damages, so that the Government or a new licensee might take over this property at what it was worth to them?

Mr. SMOOT. Mr. President, the severance damages are nothing more than any honest man in a transfer of such property would agree to with any honest purchaser. It is nothing more nor less than the Government agreeing that in the severance of the property from the original licensee, whatever damages there might be should be paid by the Government in case the Government takes over the property, or the new licensee if there should be one, and I say that no honest person can object to that principle.

Mr. LENROOT. What would the new licensee get for the severance damages that he would have to pay?

Mr. SMOOT. He would get whatever value the required severance was to him, and that would be the severance damage to the builder of the plant. Mr. President, I want to say that all of the disadvantages in building the plant, the time it took to build up a demand for the power, and all of the burdensome unseen expenses of starting any kind of a business like the ones contemplated under this bill fall upon the original licensee. The man who asks for the second license has nothing like this to pass through. The business, if it is successful, is established at that time. He steps in without an effort, and it does seem to me he should be perfectly willing to pay a reasonable price, as the bill provides, whenever the property is transferred to him as a new licensee.

Mr. LENROOT. The Senator understands he has to pay all those expenses, too, does he not?

Mr. SMOOT. Well, there is not any question of a doubt whatever that the severance of the property will be decided between the Government of the United States, or the man who first built the plant and put it into operation, and the new licensee. The original promoter of the business, if he remains in it for 50 years, or, if he does not, his successors in business, are never going to secure any advantage in the severance of it, and I say now that if the Government of the United States at the end of 50 years does not take over the property there will be some good reason for it. If the Government of the United States can not find a new licensee to take over the property there will be some good reason for it, and that reason will be that it will neither pay the Government of the United States nor pay a new licensee to do so. So every interest of the Government is protected, and every interest of the new licensee, if there be one, will be protected; and it seems to me that all that the severance provision does is to protect the first licensee, who took the first step to establish the industry. I know there is no man living who would say that he should not be protected in this, and that is all the bill does.

In relation to the words "which is accepted," what does it mean and what is the result of their use? I can not see the result as portrayed by the Senator from Wisconsin. They mean that if a new licensee is not found that will accept the terms offered by the Government, then the original licensee can proceed from year to year to operate the plant. Do not think for a minute that that is a favorable position for the licensee to be in with ten millions of dollars invested or one million or whatever the amount may be, not knowing whether he will be allowed to operate on the 2d day of January of each year. I say that every endeavor would be made and every point stretched to the limit by the original licensee to keep the plant in operation. The original licensee is entitled to know if the offer of the Government to the second licensee is accepted; then I say that the words "which is accepted" ought to be in this bill, for not only the protection of the man who has put his money into the concern and made it a going concern for 50 years, but also, it seems to me, Mr. President, it is nothing more than right between the Government of the United States and a second licensee. Why should it not be known that it is acceptable to the new licensee? If a licensee will not accept it, why should the original licensee be deprived of operating the plant year by year? Do you want it to stand idle? Do you want it to go to rack and ruin until some new licensee is found by the Government?

That is all there is to it, Mr. President, and I hope and trust the amendment offered by the Senator from Minnesota will be agreed to by the Senate.

Mr. NORRIS. Mr. President, I believe that after all argument is sifted down and we have gotten to the bottom, this is a question as to whether we want to give a perpetual lease or a limited lease.

The Senator from Utah [Mr. SMOOT] has made an extensive and an able argument, and I believe that if it is analyzed, if he would analyze it himself as he usually analyzes other people's arguments he would have to reach the conclusion that this lan-

guage if kept in the bill means that instead of issuing a license for 50 years, we ought to put in the bill a provision for a perpetual license and be done with it at once. The Senator's argument leads in that direction, and there can be a great deal of argument offered in favor of the proposition that the license should be perpetual. I am not in favor of it, but I know that lots of good men are, and you can make the same argument for a perpetual license as the Senator has made for these words.

He asks what difference it would make when the 50 years are up if the man has another year, and when that year is up he has another, and so on. It might not make any, Mr. President. The Government might be willing to do that. But if we are going to limit these leases to 50 years, then the Government ought to have the right at the end of the 50 years to say something about a new license, or what should be done with the property. Either that or meet the question squarely and say, "Let us have a perpetual license."

The Senator from Utah is not in favor of the Government taking over these properties. He will be here, I suppose, 50 years from now—I hope he will—sitting in the same chair where he is now, leading the Senate, and the country to a great extent, as he is now, studying all these questions as he studies them now, as diligently as any man in the United States. He will be here at that time, and he will say, "The Government must not take over these properties. The Government must not go into this business."

The answer is, if the Government does not do it the man goes on from year to year on his own terms. So it will reduce itself to this: This corporation that has operated a water power for 50 years, when the time expires and the Government presents its new lease, will decide the question on this basis, and very properly; I am not finding fault with them at all: "Is the new lease better for us than the old? If it is, we will take it; if it is not, we will refuse to take it, because if we refuse to take it, under the law passed 50 years ago, we are entitled to have it from year to year under those terms."

That is the right they will have at the end of the 50 years.

Mr. SMOOT. The Senator leaves out one very important thing in the statement he has just made. The bill provides for a new licensee.

Mr. NORRIS. Yes.

Mr. SMOOT. And the Government is not compelled to grant the license to the original licensee. A new licensee can make a new application, and if his application offers more than what the original licensee would pay, the Senator does not think for a moment but what the Government of the United States would grant it to the new licensee?

Mr. NORRIS. The Senator does not call attention, however, to the fact that this law which we are now passing is so circumscribed that the new licensee will have some disadvantages. He will have to pay some things that he probably would not want to pay. He will probably refuse to comply with the law in regard to severance damages and in regard to carrying out the contracts that the old corporation has made, and unless he does agree to stand for those things he will stand nowhere; he will not have any opportunity to lease it, and he can not be a licensee, because those are the things he has to assume under the law.

Mr. SMOOT. I will say to the Senator that the original licensee would have the same contracts to meet. He has made them, and he would have to comply with them entirely if he took it. So they are on the same footing there.

Mr. NORRIS. No; they are not on the same footing there. I can tell the Senator why I think they are not on the same footing. However, there is another thing that the new licensee would have to pay that the old licensee, of course, would not have to pay, and that would be the severance damages. When the 50-year period is somewhere near up, if this corporation desires to retain the control of it, or to make it difficult for any other corporation to take over the property and enter into a new contract with the Government of the United States, they could enter into a good many contracts with corporations that in effect would be themselves, which would be burdensome. It is true those contracts would have to be approved by the commission; but the commission is not going to criticize them or hold them up or refuse to permit a contract to be made. If they make a contract that does not seem favorable to themselves, they will be supposed to be looking after their own interests, and another corporation, practically composed of the same men, perhaps, could easily be given a contract that would be extremely advantageous. It would not make any difference to this old corporation, the other one making a contract with them, the existing licensee, because for them it would be taking money out of one pocket and putting it into another. If they sold themselves power at less than cost, they would lose on the one side, but they would make it all back on the other. If they had some contracts like that—and they would very likely, at the expiration of the 50 years, have them in readiness for just this kind of emergency—then the new licensee, if he took it over, would have to assume them, and they would be able then, if the new licensee was foolish enough to assume them, to go on with their other corporation and get their electric light or their hydroelectric power, or whatever it might be, at a very much reduced rate.

Mr. PHIPPS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. PHIPPS. I should like to inquire if the Senator is familiar with the operations in any State having a public-utilities board, where a company is privileged to make a contract at a certain rate for hydroelectric power to one company and exact different rates from another company, under practically similar conditions?

Mr. NORRIS. What is the Senator's question?

Mr. PHIPPS. The point is that public-utilities commissions can not make rates to one company and refuse the same rates to other companies in the same line of business or using the same amount of power. In other words, they can not make one rate to themselves and different rates to the public. Is not that the fact?

Mr. NORRIS. I suppose that is very often the fact. But a subsidiary company, composed of the same men who own the original parent corporation, might have—it would be very easy for them to have—a case where they were getting the only contract in a particular line, and all other contracts with other men, or municipalities, or corporations were entirely of a different nature. And so, if they made a contract of that kind with that kind of a corporation, they would not impugn that kind of law if such a law exists.

Mr. PHIPPS. Then I should like to inquire of the Senator if it is not a fact that not only the earnings of the parent corporation but also the earnings of the subsidiary companies are limited to a certain rate per cent on the actual value of the property and the investment in the business?

Mr. NORRIS. Does the Senator ask me if that is always the case?

Mr. PHIPPS. I ask if the Senator knows of any State having a public utilities commission where that is not the case?

Mr. NORRIS. That is sometimes the case and sometimes not. If I understand the Senator's question, I do not know that it has any application to what I am discussing here.

Mr. LENROOT. I would like to ask the Senator from Colorado if he can name a single case where a State undertakes to regulate the rates and products of a corporation the subsidiary of a manufacturing corporation?

Mr. PHIPPS. If the Senator will tell me where there is a manufacturing corporation that is subsidiary to a hydroelectric power corporation, I will undertake to answer his question.

Mr. LENROOT. There may be many.

Mr. PHIPPS. To my knowledge to-day, if such companies should come into existence I have no doubt that the States would well be able, through their legislatures, to take care of their proper regulation, as they have demonstrated their ability to regulate the business of hydroelectric power companies.

Mr. NORRIS. I think some of them will—I have no doubt of it. I am not finding fault with any State. I hope they all will. Some of them will not. But as a matter of fact, whether they do or whether they do not, a corporation that would have an advantageous contract would not necessarily be a subsidiary of the parent corporation. The stock might be absolutely independent and in no way connected with it except that the men or the interests who owned one might own the other.

Mr. PHIPPS. It seems to me that the Senator is setting up a supposititious case which is not at all likely to ever happen. But as it is possible, although not at all probable, it did seem to me that the case would well be met by the legislative bodies, who have shown their ability to handle cases just as difficult and just as intricate. I can not understand why the Senator seems to insist upon the power companies, at the expiration of the 50-year period, being compelled to accept any form of contract for a new period which the commission, through its representatives, may decide is a proper and fit contract for those companies to accept. Surely the contract must be reasonable, and yet the words "reasonable in its terms" have been stricken out and others have been substituted.

Mr. NORRIS. I do not want to discuss that. I think they ought to have been stricken out; I think they were properly

stricken out; but I do not want to take up the time of the Senate to discuss it, because it is not before the Senate.

Mr. PHIPPS. That is true; they have been stricken out.

Mr. NORRIS. I think properly so, but I am not going to try to give my reasons for it, because I want to confine the discussion so far as I am concerned to the particular question that is before the Senate. The Senator says that at the end of 50 years—and that is the argument of the Senator from Utah, too—the corporation which has the license and is operating the property ought to be able to say whether it will go on or not. Of course it is able to say. On the other hand, we do not want to put the Government in such a position that no matter what conditions may exist 50 years from now, it is within the power of that corporation to continue under the old law. We stand that way because we believe in a lease that is limited. The bill is drawn on the theory of a limited lease. I said a while ago that there is a good line of argument that can be made for a perpetual lease, but Senators ought to be willing to meet that squarely and not go on the theory that we will put into the law a term of 50 years and then surround it by a whole lot of things that in effect make it perpetual if the corporation that has the lease wants to make it perpetual.

Mr. PHIPPS. Will the Senator yield?

Mr. NORRIS. I think we ought to be able to say when we make the lease the same as you say to your tenant farmer when you lease him some land, "When your lease is up the landlord must have something to say about leasing it again"——

Mr. STERLING. Mr. President——

Mr. NORRIS. Even though some investment has been made by the tenant. I first yield to the Senator from Colorado.

Mr. PHIPPS. Mr. President, I merely want to express the feeling that it does not seem to me necessary and it does seem unwise to leave the full latitude that would be given under this clause to the commission, which, of course, would function through its assistants, or through minor officials, to place before a company which may have developed not only an industry, but may have developed thousands of acres of country by reason of its investment in the business—at the expiration of the lease to hand out a new lease on such ridiculous terms that the company would be unable to accept it. That is not an impossibility, judging by the experiences of the past which these same officials have had with officials of the Government. You can not call such a document a contract upon which a decision should be made if it is absolutely one sided and unfair, and it might well be.

Mr. NORRIS. The Senator's position reduces itself to this: At the end of 50 years the Government of the United States is going to be unfair; it is going to be unjust; it is going to try to crush these men who have developed the country and who have developed the water power and done such great good for humanity. I do not go on that theory.

Mr. PHIPPS. I have not said that.

Mr. NORRIS. That may be true. He says that they are going to be presented with a contract that is not fair; that is unjust. I am assuming that the Government of the United States 50 years from now is going to be fair. If it is not going to be fair, then there is something in the argument.

Mr. PHIPPS. If the Senator will pardon me, that was not my exact language, but that possibility is there just the same.

Mr. NORRIS. I know it is.

Mr. PHIPPS. Judging by past experience, I think I am quite right in calling attention to that very feature of the contract, that the contract should not be used to the disadvantage of the person who has developed the property, unless on its face and under its terms it was reasonable and one which should be accepted by the lessee.

Mr. NORRIS. I do not want to be understood as saying that condition could not come about, as the Senator has indicated. That, reduced to the minimum, is the argument also of the Senator from Utah [Mr. SMOOT]. At the end of the 50-year period, probably before that or about that time, assuming that some water powers have been developed under the law if it is passed, Congress will undoubtedly legislate upon the subject. We can not now tell, even by the wildest stretch of the imagination, what conditions are then going to be. They may be entirely dissimilar to what they are now, and they may not have changed much, of course; but Congress will be here if the Government is here, and Congress will legislate and the commission will carry out the instructions if it is permitted to remain in power.

There may be a different instrumentality of the Government that will handle this at that time, but if we are going to lease on a term of years and not try to make a perpetual lease we must—I think we can; at least, I am going on that theory—trust our Government to be square and to be honest with those men, if there are any at the end of 50 years, who have developed the water powers of the country.

Mr. SMOOT. Will the Senator yield?

Mr. NORRIS. In just a moment I will yield. It seems to me we ought not to go on any other theory. If we think 50 years is not the right term and that it ought to be 100 years or 1,000 years or to run through all eternity, then we ought to make it that way; but if we are going to make a term of 50 years—and it seems to be the judgment of both the House and the Senate that that ought to be the length of the term—we must, it seems to me, and I think we can do it with perfect candor and without any risk, trust to the Government of the United States to be fair at the end of 50 years.

If you take the other course you trust the corporation to be fair. Will the corporation enter into a new contract with the Government unless the Government offers it a contract at the end of 50 years that is better than the one it worked under for the first 50 years? Nobody expects that. The corporation is going to get as good a deal as it can get and it will take whichever contract to it seems best, looking at it from the financial standpoint.

I yield now to the Senator from Utah.

Mr. SMOOT. The Senator expresses himself that at the end of 50 years he believes the Government will be perfectly fair. If that is the case, why should the Government not be fair in preventing the owners of the property making leases to institutions owned by themselves at ruinous rates, because the Senator knows very well that those rates have to be submitted to the commission and the commission will have to pass upon them? Does not the Senator think that the commission would know immediately that those rates were made for some purpose?

Mr. NORRIS. They might, that is true, and they might refuse to let them do it.

Mr. SMOOT. Does the Senator think that they would do it?

Mr. NORRIS. The corporation might be so honest that they would not try to do it. I have only offered that as one of the burdens that might be fixed up to compel the new lessee, if they had one in contemplation, to assume and thus prevent it from entering into the lease. I know it is done in other ways.

Some time ago, in a very important investigation, a committee of which I was a member had occasion to go into the coal question at some length. That was several years ago, when I was a member of the Judiciary Committee of the House of Representatives. It developed that in the coal-mining regions every railroad company organized had a coal company with which it worked. They did not all do it in the same way, but here is one instance that I remember of a railroad company and a coal company: The stock of the coal company was owned by the railroad company. The officers of the railroad company were the officers of the coal company. They could and did put men out of business who were competitors of the coal company by making a rate that was so high that it was practically confiscatory. In time we got that remedied. I think the man in the particular instance I am thinking about is in business now and making money and doing well, but it took him years and years of labor; he spent thousands and thousands of dollars in expense and was into all kinds of litigation and thought for a good while he was bankrupt and would have to quit business. They would follow that plan, probably.

I only cite that to show that now those things are done. This railroad company could charge a man in the coal business a thousand dollars a ton for transporting coal and it could charge the same rate to the coal company in which it was interested. It could make money on it and the coal company would lose it. It all went into the same pocket in the end, but the man who had to compete with that coal company had to go out of business; he did not have a railroad company to take up the slack.

It seems to me that something might occur about the time the leases are expiring so that the contracts would have to be assumed. It might be easy for one corporation to carry all the burdens for another. At least it gets down to the proposition that we make leases for 50 years, and at the end of 50 years we must trust the Government or the corporation that has the lease. If we do not want to make it perpetual, then we ought to strike out the words "which is accepted," and then it is up to the Government to be square and just, whatever instrumentality at that time may be looking after the interests of the Government, under whatever laws Congress may pass at that time.

Mr. KNOX. Mr. President, I ask unanimous consent that an amendment which I offered to the pending bill, on page 35, line 13, may now be taken up. I am only justified in making the

request because there are reasons which are imperative why I should leave the Chamber and of such nature that I must yield to them.

I think perhaps the Senator in charge of the bill will accept the proposed amendment. It provides—

that no contract, which shall have been lawfully made, for power, light, heat, or water, or for the service or delivery of the same to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any license under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any license granted thereunder.

The theory of the amendment is that under the bill, if an existing company takes out a license, it automatically becomes subject to the regulatory power of any public-service corporation within its State. If it does not take out a license, it is subject to the regulatory power of the commission created by the bill.

I frankly and fully admit that any preferential contract, any discriminatory contract, would not be a lawful contract, and would not be protected by the amendment, but the fear that there is something in the bill which might impair the obligations of the existing contracts has caused the parties who have brought the matter to my attention to believe that this is a measure of safety.

I am perfectly familiar with the law governing public-service corporations in most of the States, and I know that the law is that no matter what the contract may say, no matter whether its term has a determinate or a definite period, that they are all subject to the higher power of the State, or the police power of the State, to be exercised through the commission, if there is a commission, and if there is no commission and they take out a license under the act they become subject to the same power under the commission created by the bill.

The VICE PRESIDENT. Is there objection to present consideration of the amendment?

Mr. LENROOT. I have no objection to the amendment, but I desire to ask the Senator from Pennsylvania whether he would be willing to accept an amendment to the amendment to read "not extending beyond the term of the license"?

Mr. KNOX. I would be perfectly willing to do that.

Mr. LENROOT. So that it would read:

That no contract which shall have been lawfully made, not extending beyond the terms of the license—

Mr. KNOX. That is entirely satisfactory to me.

Mr. WALSH of Montana. I regret that I was unable to follow the reading of the amendment tendered by the Senator from Pennsylvania. Does the Senator from Pennsylvania particularly desire to take action on that matter this afternoon?

Mr. KNOX. As the reason which calls me from the Senate now is likely to continue to exist for some little time, I should very much like to have my amendment acted upon. I thought perhaps the chairman of the committee might be willing to accept it, subject to consideration in conference.

Mr. WALSH of Montana. Mr. President, the subject is one of very deep interest and concern to all of us in the West. I have not had an opportunity to look into that feature of the bill, but I rather imagine that there is not any provision at all in relation to carrying contracts over the period of the lease. I had supposed there was. There have been such provisions in previous bills. We shall certainly be obliged to tender something along that line in order to protect irrigation interests, because we hope to utilize many of the power plants that will be developed under the provisions of this bill for the purpose of pumping water for irrigation. That is a use to which many power plants in the West are now devoted. Indeed, one of the great dams across the Missouri River, only 15 miles from my own home, develops power, a large portion of which is utilized for the pumping of water by means of which extensive areas are irrigated.

Those corporations enter into contracts, which are perpetual in their terms, with the owners of lands, under which they undertake to supply them with water for the irrigation of the lands for all time at a fixed price. I feel that that is a very wise policy, and one that ought to be encouraged and recognized in the bill, so that when we come to consider the question of contracts to be carried beyond the period of the license, I should like to see that that feature is taken care of.

Mr. KNOX. Does not the Senator from Montana see that no matter under what circumstances or for what period of time any contracts may be made, they are all subject to the superior power either of the State or of the commission created under this bill? The main purpose of the amendment is to protect cases—many of which I have known, and, I have no doubt, the Senator from Montana, living in a section of country that has been more recently developed than the section from which I come, knows of many more—where projects have had the lifeblood put into them by being able to locate some large industry or, as in the case to which the Senator refers, make arrangements for the irrigation of vast areas of land, which guaranteed them from the start a revenue which enabled the project to be developed and extended to other uses. All I want to try to safeguard is that as to those contracts—in so far as they are lawful contracts, in so far as they are not discriminatory, in so far as they are reasonable, and in so far as the service to others similarly situated is the same—there shall be no action under this bill, by reason of the fact that the existing companies may avail themselves of the provisions of the bill by taking out licenses that shall impair the valid obligations of the previous contracts which have been made. That is as simple a way as I can put it, and I think it is comprehensive.

Mr. WALSH of Montana. I should like very much to take the matter into consideration; but I want to submit this further consideration to the Senator having charge of the bill and to others who are interested. If we do not make some provision by which contracts may be carried beyond the period of the license, we are going to put at a most decided disadvantage the pioneer companies, those that are first organized and established under the bill, as against those that are developed in the course of time and when the conditions are very much more favorable to the development of enterprises of this character. To illustrate: The company now taking a license may very well make contracts for a period of 30, 40, or 50 years; and, as suggested by the Senator from Pennsylvania [Mr. KNOX], any great industry that is to be established where it can be supplied from a particular plant will, of course, make a contract for as long a period as it possibly can, feeling, of course, that before the industry is established, it will be in a situation to get better terms than it would if it were already established and were making contracts for only short periods. I could tell of some unfortunate experiences in that connection.

When the lease, however, is expiring and has, we will say, only 10 years to run, having already run 50 years, the old plant comes into competition with a new plant which is only 2 years old, we will say. In bidding for the supply of power to a manufacturing industry that is to be located in a locality that can equally be supplied by the old plant or by the new one, of course the old plant can not bid. It will offer power at a certain price, but it can make a contract for 10 years only, while the new company will offer the power at exactly the same price but will offer a contract for a longer term of years—30, 40, or 45 years—and thus, Mr. President, the companies that ought to be encouraged—that is to say, the pioneer companies that go into the field before the country is developed—are put at a very decided disadvantage as against the newer companies.

Mr. LENROOT. Will the Senator yield to me?

Mr. WALSH of Montana. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is the Senator familiar with section 22 of the bill, which relates to the matter to which he refers?

Mr. WALSH of Montana. I must confess that I have not looked into it particularly.

Mr. LENROOT. The bill does now provide for the making of contracts extending beyond the period of the license upon the joint approval of the State utility commission and the commission created by the bill.

Mr. WALSH of Montana. Such a provision as that I had in mind; but I feared, because of the amendment offered by the Senator from Pennsylvania [Mr. KNOX], that some such provision was not found in the bill. I had forgotten the specific provision to which the Senator from Wisconsin now refers.

The VICE PRESIDENT. Is there any objection to the consideration of the amendment offered by the Senator from Pennsylvania?

Mr. NELSON. Mr. President, I have no objection to the amendment; at all events, I am quite willing that it should be adopted and go to conference, where we can consider it in conference in more detail. In this connection, however, I desire to call attention to section 23, which provides:

SEC. 23. That the provisions of this act shall not be construed as affecting any permit or valid existing right of way heretofore granted, or as affecting any authority heretofore given pursuant to law; but any person, association, corporation, State, or municipality holding or possessing such permit, right of way, or authority may apply for a license hereunder.

That is, they may come under the provisions of this proposed law if desired.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. LENROOT. Mr. President, did the Senator accept the amendment which I suggested to his amendment?

Mr. KNOX. I accepted it.

Mr. LENROOT. Were the words suggested by me incorporated in the amendment?

Mr. WALSH of Montana. I ask that the amendment as modified be stated.

The VICE PRESIDENT. The Secretary will state the amendment as modified.

The ASSISTANT SECRETARY. On page 35, at the end of line 2, after the proviso already agreed to at that point, it is proposed to insert the following:

Provided further, That no contract, which shall have been lawfully made, not extending beyond the term of the license for power, light, heat, or water, or for the service or delivery of the same to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any license under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any license granted thereunder.

Mr. LENROOT. I should like to ask the Senator from Pennsylvania his construction of the words "shall have been lawfully made." Would not that validate a contract made subject to the passage of the act, but before applying for a license, in case of an existing project?

Mr. KNOX. The idea when the amendment was drawn was that they should be existing lawful contracts.

Mr. LENROOT. Then the Senator would not, I take it, object to an amendment after the word "made" inserting the words "prior to the passage of this act"?

Mr. KNOX. I would have no objection whatever to that.

Mr. LENROOT. The Senator would not want them to make contracts with a view to coming under the act?

Mr. KNOX. I quite understand the position of the Senator from Wisconsin.

Mr. LENROOT. Then I move to amend the amendment by inserting after the word "made" the words "prior to the passage of this act."

Mr. KNOX. I accept that amendment.

The VICE PRESIDENT. The Chair will inquire where those words will come in?

Mr. LENROOT. In line 2, after the word "made," insert the words "prior to the passage of this act" just before the amendment which I proposed, which was accepted, so that it would read:

That no contract which shall have been lawfully made prior to the passage of this act, not extending beyond the term of the license.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. After the word "made," in line 2, and after the comma, it is proposed to insert the words "prior to the passage of this act, not extending beyond the term of the license."

The VICE PRESIDENT. Without objection, the amendment to the amendment is agreed to. The question now is on agreeing to the amendment as amended.

Mr. WALSH of Montana. Mr. President, I must confess that I do not understand this amendment at all. I tried to follow the Senator from Pennsylvania, but I did not hear all that he said. I have gone over it again, but I do not really know what it means nor to what kind of circumstances it is supposed to apply. It reads:

Provided further, That no contract which shall have been lawfully made for power, light, heat, or water, or for the service or delivery of the same, to be furnished from any project works, and to which such project works, or the person, company, or corporation constructing, owning, or operating the same, shall be subject, shall be affected by any license under this act.

That contemplates a contract that is to be made with a company which secures a license. Of course, that contract must of necessity be affected by the license. It is governed by all the terms of this act which govern licenses.

Mr. KNOX. I hope that the construction that the Senator from Montana is now putting upon the amendment is without recalling the provisions of the nineteenth section. That section permits any existing public-service corporation to avail itself of a license. That may be a corporation that 20 years ago or 15 years or 5 years ago made a contract for supplying electric energy or power to an industry that was built up on the basis of the contract. That old public-service corporation may come in and avail itself of a license under the terms of this bill. All we are desiring to accomplish is that if they do come in under the provisions of section 19 or any other provision of the bill, their coming in and taking a license under this measure will not affect contracts that are already in existence and which in their nature are lawful; that is, nondiscriminatory and fair. That is all there is to it.

Mr. WALSH of Montana. Can the Senator call our attention to some concrete case that will make clear to us the conditions he has in mind?

Mr. KNOX. I presume I could name 20 large industrial establishments in the United States that have been the financial source from which the means have been drawn to develop water powers for the construction of electric light plants. The proponents of these enterprises go to a number of prominent people who are disposed to enter into certain lines of business and procure them to locate at a particular place, and give them a contract at a particular rate, sometimes for a determinate and sometimes for an indeterminate period of time. On the basis of the revenue that is assured to the power company from such a contract they go on and develop their property, and they extend their service to the surrounding neighborhood. Now, under the nineteenth section of this act they may avail themselves of a license under the act; and this amendment is designed, as I have said over and over again, to prevent the taking out of that license from affecting the validity of that contract, if that contract will stand the test which practically all public-service commissions now impose upon public-service companies. The public is protected in this way: That is the enterprises happen to be located in States where they are not subject to the jurisdiction of a public-service commission which enforces that beneficent rule of law, they become automatically subject to the same rule under the terms of this bill.

Mr. WALSH of Montana. Mr. President, I do not know yet how this amendment is going to operate. The section to which the Senator refers was inserted in the bill to meet the conditions which make the legislation necessary. That refers undoubtedly to licenses which are issued under the act of 1901, which everybody knows are revocable at the will of the Secretary of the Interior. Anyone having such a license as that may surrender that license and take one under this act; but, of course, anyone having a power plant established under the provisions of the act of 1901 could not have made any contracts for any definite period of time, because anyone holding a license of that kind was subject to have it canceled at any time, so there is not any need of protecting him. On the other hand, everyone else who has established any water-power plant in this country establishes it under a perpetual license, at least so far as the Government of the United States in concerned.

We have in our State a number of power plants that were built under the provisions of acts of Congress, and these are perpetual. Of course, they have gone on and made contracts perpetual in their character, or at least for a long series of years. They, of course, will not give up their perpetual right, their absolute and unqualified right, and take a license under this bill; and there is no protection needed for contracts which they have entered into. So in many cases the land upon which the dam was built was owned by private parties having a title in fee, and they sold the land thus held by a title in fee to the parties who built the plant, and the parties who built the plant have a title in perpetuity to that land, and they have made contracts extending for an indefinite time in the future; and I dare say that it is something of that character that the Senator from Pennsylvania has in mind. I do not know of any power plants in the East that are not built upon ground to which the owner has a title in fee, and if they were it would not seem as though this bill could affect them at all, if the title which they got from their grantors was a limited fee and not a title in perpetuity.

In other words, Mr. President, there are two classes of power development. One class of power development has the title in perpetuity, and they have made contracts accordingly, and their contracts can not possibly be affected by this. There is another class of power plants, that are constructed under a revocable license which may be revoked at any time, and they can not possibly have any contracts which will be preserved by this amendment. If there is any other class of power plants to which it would apply I shall be very glad to be enlightened about it, but at the present time I have not in mind a plant to which it would become applicable. Possibly the Senator from Wisconsin may have a more definite idea about it than I have.

Mr. LENROOT. I do not know of any cases in the East that would be affected by this bill or the amendment which the Senator proposes. Does the Senator know of any?

Mr. KNOX. Not unless it might be the power plants at Niagara Falls and along the St. Lawrence River. I must confess that I have not made any effort to locate them.

Mr. LENROOT. That would be one case; yes. That is the only one that I can think of.

Mr. WALSH of Montana. But, Mr. President, my understanding about the power plants at Niagara Falls is that those grants are in perpetuity.

Mr. LENROOT. Oh, no. It is running from year to year now.

Mr. WALSH of Montana. Is that so? Well, if that is the case, then, of course, those power plants could not possibly have made contracts for long periods if their license extended only from year to year. Certainly a man would not be so lacking in business judgment as to make a contract under which he was obligated to deliver power for 25 years, when his license permitted him only to occupy it from year to year.

Mr. KNOX. I think quite to the contrary. I think the probabilities are—and I do not state this from any knowledge of the subject, but based on some analogous cases—that they have made their contracts for a long period of time, subject, of course, to the ability to renew their licenses.

Mr. WALSH of Montana. Then their contracts will still be subject to the renewal of this license at the end of the 50-year period. The only difference between the two is that they are taking 50 chances to 1 upon the termination of their license and the surrendering of their contracts. This bill as it stands is giving them very much more than they are getting now, and so they do not need any further protection, if that is the situation.

Mr. KNOX. The Senator is unconsciously, perhaps, leading me away from the exact point. It is not a question of the character of the license. It is not a question of the character of the corporation. It is not a question of the title that it holds to the lands upon which the project is located. It is a question of whether we will assure them all; to the extent that they have valid legal contracts they are not affected by the terms of this bill. Now, if the contracts are not legal, or run out in a short period of time, or if they are subject to the expiration of licenses which they hold from the Government, that is a risk, of course, that they take.

Mr. LENROOT. Mr. President, the only thing I can see that will be affected by the amendment is in the case where it is provided in the bill that if there be no State regulatory commission regulating the rates of a licensee, the commission shall regulate the rates; and in the case of an existing contract that was lawfully made, I take it that the Senator's amendment would exclude that contract from regulation under this bill.

Mr. KNOX. If lawfully made.

Mr. LENROOT. A contract lawful when made.

Mr. KNOX. No; I think sometimes a contract which is lawful when made may by subsequent events, or by a change of circumstances or conditions, become an unreasonable contract. I think, if the Senator will permit me to say so, that all contracts of this class, no matter how solemn the engagement may be that is entered into between the parties, are subject to the ultimate police power of the State, and, in case of taking a license from the Federal Government, are subject to what we might call the police power of the Nation, which I believe the Supreme Court says exists.

Mr. LENROOT. I quite agree with the Senator that a contract might be lawful when made, but, because of subsequent events, might become unlawful; but the language of his amendment, so far as this act affecting the contract is concerned, is limited to those that have been lawfully made.

Mr. KNOX. Prior to the passage of this bill.

Mr. LENROOT. Yes; but if such circumstances should arise that under a proper exercise of the police power that lawful contract when made has become unlawful, nevertheless the amendment would exclude it from the act.

Mr. KNOX. I do not think by legislation you can exclude the power either of the Government or of the State from passing upon that question. The public weal rises paramount to private interests in all of these contracts.

Mr. LENROOT. I would agree so far as the State commission is concerned; but the Senator does not think, does he, that where the project is wholly within a State the Federal Government could exercise a police power except where it becomes a matter of contract under a license?

Mr. KNOX. You would have no power over an enterprise existing exclusively in a State unless that enterprise took out a license and availed itself of one of the provisions of this bill.

Mr. LENROOT. Then, I say, it becomes a contractual relation and a consent that this power be exercised by the Federal Government.

Mr. KNOX. Certainly.

The VICE PRESIDENT. The question is on the amendment of the Senator from Pennsylvania as modified.

On a division, the amendment as modified was agreed to.

The VICE PRESIDENT. We return now to the former amendment, which will be stated.

The ASSISTANT SECRETARY. On page 26, in the amendment offered as a substitute by the Senator from Minnesota, upon which there was a division, it is now proposed to add, after the word "aforesaid" in the said amendment, the words "which is accepted."

Mr. NELSON. Mr. President, I want briefly to reply to the arguments that have been made by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Nebraska [Mr. NORRIS]. Their whole argument is founded on a mistake and an unjust assumption as to what the real condition is. Both Senators start in by stating that this amounts to a perpetual license. If you examine the language carefully you can see nothing of the kind. After that amendment just adopted comes this language:

> Then the commission shall issue, from year to year, an annual license to the then licensee under the terms and conditions of the original license until the property is taken over or a new license issued.

In other words, the Government is not tied up, if you give full meaning and effect to that language; and it is a rule of construction that applies to statutes universally that you must give force and effect to all its parts. If you give force and effect to that part of the statute it simply amounts to this, Mr. President, that the Government, if a license by the original licensee is not taken out, or nobody else takes it out, is only tied up for a year. At the end of the year the Government can take possession of the property or they can give a new license to somebody else. How you can torture that language into a perpetual lease or into a perpetual grant passes my comprehension.

It strikes me, Mr. President, that if at the end of 50 years there is a developed water power it is to the interest of the Government and to the people of the United States that somebody should operate that power. If the original licensee declines to take out a new contract, or fails to do so, the most that he can acquire, if there is not another licensee, is a renewal of the lease for one year. It provides for a license either to a new licensee or to the original licensee; and if a license is not taken out, either by a new licensee or by the original licensee, the most that can happen is that there will be a renewal of the lease for just one year. At the end of that year the Government has still the option of taking over the property or leasing it to somebody else, and that applies year by year every year. You give an annual license for a year, and at the end of the year the Government has the power to take over the property or the power to lease it to a new licensee. How you can construe that language into a perpetual license passes my comprehension.

More than that, Mr. President, I think that is a valuable provision for the Government, in this respect: Suppose for any reason the original licensee declines to proceed further, declines to take out a new license under onerous conditions, as he conceives, and suppose a new license is offered with very onerous and different conditions from the original license. Suppose the licensee feels that he is unable to accept it, and suppose nobody else is willing to come in at the end of the 50 years. The use of that water power ought not to lapse; and so, in order to prevent a lapse, the Government says that it can continue for a year, year by year. But the Government has the right at any time—I take it it would be at the end of the year, probably—to take over the property, and it has the right to make a new license.

So the Government is not bound at all, as it is assumed in the argument. It has a free hand; at the end of every year it can take possession of the property itself or it can lease it to a new licensee.

It seems to me that that is wiser than to have the use of the power entirely lapse. It is the theory of that provision, undoubtedly, that instead of having the use of the water power remain idle or abandoned it shall be extended from year to year. It is like a tenant on a piece of land who holds over because the landlord can not immediately find another tenant. If the original lessee declines to take it over on the terms proposed, or a new lessee declines at the end of the 50 years, there is the power and no one to run it, neither a new licensee nor the old licensee. Under those conditions all the Government can do is to issue a new license from year to year. It is only committed for a year at a time. At the end of every year the Government can take possession of the property or lease it to somebody else. The language is plain and unmistakable. How it can be tortured into the theory and views expressed by the Senators from Nebraska and Wisconsin passes my comprehension.

The language is perfectly plain:

> Then the commission shall issue from year to year an annual license to the then licensee under the terms and conditions of the original license until—

There is nothing perpetual in that—

> until the property is taken over—

That means taken over by the Government—

> or a new license is issued.

The Government has the option at the end of every year. It is not tied up for more than a year at a time. At the end of every year it has the option to take over the property or to lease it to a new lessee. As I said, how you can torture that into a perpetual lease passes my comprehension. No court would hold such a view as is announced by the Senators from Nebraska and Wisconsin upon that plain language.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. Yes, sir.

Mr. LENROOT. If the Government does not take it over, or a new licensee does not take it over, how many years will the original licensee be entitled to a license from year to year?

Mr. NELSON. That would depend. The Government at the end of every year——

Mr. LENROOT. I said if they did not take it over.

Mr. NELSON. At the end of every year the Government has the option of taking it over or finding a new licensee.

Mr. LENROOT. But if it does neither?

Mr. NELSON. Do you want the power to remain in abeyance?

Mr. LENROOT. If it does neither, for how many years would the original licensee be entitled to a license from year to year?

Mr. NELSON. It is wholly at the option of the Government to determine how many years. It is not at the option of the licensee. The Government can terminate it at the end of every year.

Mr. LENROOT. By taking it over?

Mr. NELSON. No; by letting it to a new licensee.

Mr. LENROOT. If it does neither?

Mr. NELSON. If it does neither, then it continues only for a year at a time.

Mr. LENROOT. For a thousand years?

Mr. NELSON. No. The Government can at the end of any year take the property over or license to a new licensee.

Mr. MYERS. Mr. President, will the Senator yield?

Mr. NELSON. Certainly.

Mr. MYERS. Let me suggest, in response to what the Senator from Wisconsin has said, that if the Government does not want it and nobody else wants it, and it can not be otherwise disposed of, it would be better to have it run from year to year forever than to be just abandoned and have nobody producing any power.

Mr. NELSON. Certainly; the Senator is undoubtedly correct.

Mr. WALSH of Montana. Mr. President, I am going to vote against this amendment, but there is not any doubt that the Senator from Minnesota is correct. It is utterly unjustifiable to say that with this language in the bill the right of the licensee becomes perpetual. If I lease a man my house and lot for 10 years, and thereafter he may take it from year to year, until I want it myself, or can find some other tenant for it, I can not say that he has a perpetual license to my house and lot. That is simply a denial of terms. It does not mean anything.

I also want to protest, Mr. President, against the suggestion made by the Senator from Wisconsin that we are now giving away the last resources of the Government. Every time we take up bills looking to the utilization of the vast undeveloped resources of the Government of the United States somebody gets up and characterizes the legislation as an act to give away something.

Mr. President, we are dealing with these water-power interests in the best way we know how, not in the interest of the fellows who get them at all but in the interest of the people of the United States. If we know any better way to handle these great resources for the benefit of the people of the whole country, let us adopt that plan. This is the best plan that has been worked out, and why seek to throw discredit upon this or any other plan by speaking of it as a plan to give away the resources of the United States?

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. WALSH of Montana. I would be very glad to yield.

Mr. CHAMBERLAIN. The Senator knows it has been the policy to withdraw from utilization possible water-power plants in the West. Does the Senator know how far that policy has been in vogue?

Mr. WALSH of Montana. It has been in effect, of course, for the 10 years since 1909.

Mr. CHAMBERLAIN. Does the Senator know of a single water power that has been developed by the Government, or anybody under the Government, since that policy was adopted 10 years ago?

Mr. WALSH of Montana. Practically none. The power is lying there useless to anybody. We are consuming our coal, we are consuming our oil, in the development of power, as was demonstrated by the Senator the other day, to the extent of a million dollars a day, all waste; that might be all saved if we developed and utilized these water powers.

Yet, just as sure as we get up any of these bills, somebody wants to throw discredit upon the thing by talking about giving away something to somebody. We are giving it away to whoever utilizes it, because we believe that the people of the United States get an equivalent arising out of the development of these resources. The Government of the United States is endeavoring to arrange the very best terms they possibly can with the people they are inviting to go out and develop these resources. The Government of the United States, and the people of the United States, want many men who have the money and the enterprise and the initiative to go out there and take those water powers upon the terms we propose, and utilize them instead of allowing them to lie idle.

Now, Mr. President, I think that there is so little difference between the real force and effect of this bill whether the words "which is accepted" are in the bill or out of the bill, that it is a matter of no consequence to me how anybody votes upon the matter. I am going to vote against the committee amendment. I will try to explain, if I can, just exactly the difference between the bill with them in and the bill with them out, and it is scarcely the difference between tweedledee and tweedledum. If you have these words in the bill, then if a lease is tendered to the licensee at the end of his period, and he does not accept it, he is then entitled to a lease from year to year. The Government may take the property over at the end of any year, or it may lease the property to another licensee.

What will happen, Mr. President, if these words are not in the bill? Then let us assume that the 50-year period has expired, and the commission tenders to the licensee a new license, but it is not satisfactory to him and he does not accept it. Under the circumstances he will not be entitled to a lease from year to year. But will the plant stop? Will the industries that have been developed and grown up by reason of the existence of this power plant, and which are supplied by power from it, stop? Will the great communities that have been built up, will the populous cities that get their light from these power plants, go in darkness? Will street railways getting their power from the power plant stop running? Will the mills and factories that supply the population of great cities with labor supplied with power from the power plant go idle?

Why, Mr. President, it is unthinkable. The court will not permit anything of the kind. If the parties who own the property should endeavor to stop running it the court would mandamus them and compel them to go on and operate the property, and they would be entitled to receive compensation for the service they rendered, and they would be obligated to pay to the United States a reasonable sum for the use of the property of the United States during that time.

Mr. NELSON. Mr. President——

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. WALSH of Montana. I yield to the Senator from Minnesota first.

Mr. NELSON. I want to ask a question of the Senator from Montana, who is a very able lawyer. The amendment which we have already adopted provides that in the event the United States does not issue a license to a new licensee or tender a new license to the original licensee, then this condition takes place. The question I propound is this: If no new license is issued, would not a mere tender of a license made to the original licensee set in operation the balance of the proviso, and would not these words apply, that "then the commission shall issue from year to year an annual license," and so forth?

Mr. WALSH of Montana. If the commission tenders a license——

Mr. NELSON. If there was a mere tender, would not that set that portion in operation?

Mr. WALSH of Montana. If there was a tender of the license and it was not accepted, then the licensee would not be entitled to a license from year to year. If the license was tendered and was accepted, of course that would dispose of the matter.

Mr. NELSON. But if a tender was made and no new license executed, and no acceptance of the tender, what then?

Mr. WALSH of Montana. If the tender was made, then the concluding portion would not come into operation; there would be no license from year to year. The license from year to year would come into operation only in case the commission made no tender of a new license.

Mr. NELSON. But suppose the tender of a new license was not accepted and it did not go into operation; then the plant would remain idle?

Mr. WALSH of Montana. No; the plant would not remain idle.

Mr. NELSON. What would become of the plant?

Mr. WALSH of Montana. None of the plants would remain idle. That is just the point I am making. It would not remain idle and could not remain idle.

Mr. NELSON. What would become of it if a license was not issued to a new licensee or a tender made to the original licensee and neither of such terms or licenses were accepted and the 50 years were out? What would become of the property?

Mr. WALSH of Montana. It would go right on operating just the same as before.

Mr. NELSON. They would continue to hold under the original license?

Mr. WALSH of Montana. They would not continue to hold under the original license; they would simply be occupants of the property.

Mr. NELSON. They would be tenants by sufferance?

Mr. WALSH of Montana. Exactly; holding just as long as the Government consented to that situation.

Mr. NELSON. They would be tenants by sufferance until interfered with by the Government?

Mr. WALSH of Montana. Exactly. So the only difference between the two would be that in the one case they would be tenants by sufferance and the Government entitled to put them out at any time, and under the other arrangement they would be tenants from year to year and the Government entitled to put them out at the end of the year. That is all the difference.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. In the one case they would be tenants by sufferance and in the other case tenants from year to year, and the Government could in one case intervene at any moment and in the other case at the end of the year.

Mr. WALSH of Montana. The Senator has stated my views correctly.

Mr. NELSON. So that the argument that the provision makes a perpetual lease is not true, is it?

Mr. WALSH of Montana. I do not take that view of it. I yield now to the Senator from Wisconsin.

Mr. LENROOT. The Senator says that the only difference is that they would be a tenant by sufferance in the one case and a tenant from year to year in the other, and in either case the Government could put them out.

Mr. WALSH of Montana. Yes.

Mr. LENROOT. The Senator does not mean that.

Mr. WALSH of Montana. Of course I do. Why should I not mean it?

Mr. LENROOT. Because under the license from year to year, as proposed by the amendment, that year to year must run on forever, unless the Government takes over the property and unless the Government pays compensation.

Mr. WALSH of Montana. So must the tenancy by sufferance run on forever.

Mr. LENROOT. No. Under a tenancy by sufferance the Government does not have to take it over, but can order it removed and stop the work, unless they accept the tenancy.

Mr. WALSH of Montana. That is the proposition I want to present. Of course, the party holding the license, with a great community depending upon it, would be obliged to operate. It is a public-service corporation. In our city a water company had a franchise to supply the city with water. It had a franchise for 20 years. The 20-year franchise expired and they were threatening to shut off the water as soon as their license expired unless a new franchise, upon terms dictated by them, should be granted them. We proceeded by mandamus against them and compelled them, notwithstanding the expiration of the period of their license, to supply the city with water. They were entitled simply to a reasonable compensation for the services rendered, the city being entitled at any time to grant a new franchise or license to anyone else that would assume operation there.

This power plant would be supplying industries and the court would require the power plant to continue supplying the industries. Of course, the Government of the United States could step in and say, "We propose to tear this whole business out"; but just think of the United States doing anything of that kind!

Mr. LENROOT. I do not think they would.

Mr. WALSH of Montana. Of course, they would have power to do it; but we must remember that this is in the hands of a governmental commission, consisting of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. Now, just imagine those men going to Niagara Falls, for instance, and directing the destruction of a dam across Niagara Falls, with populous industrial centers upon both sides of the international line dependent upon the continuance of the operation of that dam at Niagara Falls.

Mr. CHAMBERLAIN. Mr. President, I am thoroughly in accord with the views of the Senator, even if the words "which is accepted" are included, that it does not make a perpetual lease, as is insisted by the Senator from Wisconsin. If I thought so, I would be opposed to the amendment myself. The Senator from Montana opposes it, but I favor it simply for the reason that it fixes the terms of the contract definitely for one year after the 50-year period has expired, whereas if you leave it "which is accepted," the language proposed as an amendment, there is no definiteness, there is no certainty about the terms under which the plant shall be operated. In other words, as the Senator says, we will have to go into court and have the court fix the rate for the original licensee.

Mr. WALSH of Montana. The Senator is quite right about that, and that is why I am in favor of it. I am in favor of it because if it goes on from year to year it will go on upon the terms of the original lease. We are speaking about a condition 50 years from now. Fifty years from now the terms and conditions of the lease, although they are all right so far as the public are concerned now, may be exorbitant so far as the public are concerned 50 years from now.

I do not want the public to be obliged to pay any more than the fair value of the thing at that time nor the fair value of the service at that time. That is to say, it may be entirely unfair to the public and they will be obliged to pay at that time to the Government, for the use of the property of the United States of which they make use, the fair value of the property at that time.

Mr. CHAMBERLAIN. Does not the Senator believe that if the charges as fixed now are exorbitant at the end of the 50-year period, there is no question but that there will be a great many applicants for the new license?

Mr. WALSH of Montana. Let us suppose it is the other way. Let us suppose they are disproportionately low. Of course, we want to encourage these enterprises. We are going to try to have the commission fix the initial price as low as it is possible, and accordingly 50 years from now the price which they pay will not be adequate, considering conditions that exist at that time. I do not want to allow them to go on from year to year under the lease by which they are obliged to pay the original amount if a greater amount than that is due. But the Senator is quite right. If it is inordinately low, there possibly will be bidders at that time, but notwithstanding that there is not enough difference between the two propositions, as I view them, to cause any very great concern on the part of anybody.

Mr. LENROOT. Is not this the difference between the two propositions? If the Senate committee amendment is adopted, the Government must tender a lease such as the licensee is willing to agree to or else go on under the original license, while without the amendment proposed by the Senator from Minnesota the licensee will accept such terms as the Government is willing to tender or else must make fair compensation to the Government for the use of the property.

Mr. WALSH of Montana. I canvassed that the other day, and I believe both of them are under more or less constraint. I do not quite agree with that, because the Government will be under a measure of constraint to have the plants go on as well as the licensee will be under some constraint to accept the terms that are proposed. The Government will want the plant to go on, and to go on under terms that are entirely satisfactory, because, as I have indicated, it will be supplying industries and communities. Those communities will all be bringing pressure to bear upon the governmental agencies to conclude a contract that will enable them to go on and make contracts for a long period of time, and so the commission will be constrained to yield to their demands and exact a less price than they otherwise would.

On the other hand, the licensee, desirous of putting himself in a position where he can make contracts for the future, will want a license. So I believe the conditions are such as to bring them together on fairly reasonable terms. I do not believe the language is necessary at all, and I am accordingly going to vote for it, but the difference between the two propositions it seems to me is by no means as important as one would gather from the discussion.

Mr. NELSON. Unless there is some one, and I know of no one, who wants to discuss the bill further this evening, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 13, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 12, 1920.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Come Thou Almighty Father, with all Thy potent influence, shed abroad the light of heaven to illumine our minds and strengthen our hearts, that we may walk worthy of the vocation wherewith we are called, satisfy the longings, hopes, and aspirations of our souls, and leave behind us a record worthy of emulation.

Each day brings its new opportunities. Strengthen us to surmount the barriers in the way, to beat down the temptations which assail us and march on to a higher civilization. In the spirit of the Master. Amen.

The Journal of the proceedings of Saturday, January 10, 1920, was read and approved.

EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

Mr. MAPES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia.

Pending that motion, I should like to see if we can reach some agreement about the time for general debate. It has been suggested that we have two hours on a side, four hours of general debate.

Mr. WILLIAMS. Mr. Speaker, I suggest that the debate be limited to the bill.

The SPEAKER. Does the gentleman from Michigan make that a part of his request?

Mr. MAPES. Yes; I would be glad to have it limited to the bill.

Mr. MADDEN. Reserving the right to object, I should like to know whether the debate is going to be divided between those who are for the bill and those who are against it, and how it is going to be divided?

Mr. MAPES. As far as I am concerned, I would be glad to have the time in opposition controlled by some gentleman who is opposed to the bill. It has been suggested that the gentleman from New York [Mr. GOULD] control the time on that side.

Mr. CLARK of Missouri. Mr. Speaker, what is the request?

The SPEAKER. As so far presented, it is that the general debate on this bill be limited to four hours and that it be confined to the bill.

Mr. MAPES. In order to get it before the House I will ask that the time be controlled one-half by the gentleman from New York [Mr. GOULD] and one-half by myself.

Mr. CLARK of Missouri. Are you both for the bill or both against it?

Mr. MAPES. The gentleman from New York [Mr. GOULD] is against the bill and I am for it.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the general debate be limited to four hours, to be confined to the bill, one-half to be controlled by himself for the measure and one-half by the gentleman from New York [Mr. GOULD] against the measure. Is there objection?

Mr. WOODS of Virginia. Mr. Speaker, we think one-half the time should be controlled on the Democratic side. Speaking for the other members of the committee, I will say that we will try to apportion the time to Members, regardless of which side of the bill they are on.

Mr. WILLIAMS. Reserving the right to object, the committee, as I understand it, are about fifty-fifty on this bill. Eight members have signed the minority report, and I think that those who are opposed to the bill are undoubtedly entitled to control the time on that phase of the subject.

Mr. CARTER. May I ask the gentleman a question?

Mr. WILLIAMS. Certainly.

Mr. CARTER. Are there any Members of the minority of the House who are opposed to the bill?

Mr. WILLIAMS. No Member of the minority signed the report. I do not know.

Mr. CARTER. If any Member of the minority of the House is opposed to the bill, certainly he should have control of the time.

Mr. WILLIAMS. The minority report is signed entirely by Members on this side of the aisle.

Mr. CLARK of Missouri. The gentleman from Virginia [Mr. WOODS] is a member of the committee, and he is for the bill and against the fifty-fifty business. Now, Mr. Speaker, every time we have a long debate here there is this same row about who shall represent what. If the gentleman from Virginia [Mr. WOODS] controls half the time, I think he will treat Democrats and others fairly and parcel out the time to both sides.

Mr. WILLIAMS. Who is to control the other half? The gentleman from Virginia [Mr. WOODS] is for the bill and the chairman of the committee is for the bill.

Mr. CLARK of Missouri. I do not care anything about what the chairman of the committee is in favor of. I am talking about having the control of half the time on our side.

Mr. CARAWAY. I think on general principles we ought to have seven-eighths of the time. We have got the wisdom on this side, and the people are for us and against you. [Laughter.]

Mr. GARD. The gentleman from Michigan [Mr. MAPES] and the gentleman from Virginia [Mr. WOODS] are both in favor of the bill. Has there been any arrangement about the division of the time between the gentleman from Virginia [Mr. WOODS] and the chairman of the committee?

Mr. MAPES. No; there has not. If I am to control the time in favor of the bill, I expect to yield to those members of the committee who desire time.

Mr. GARD. I suppose the gentleman will also yield to other Members of the House who desire to speak on it?

Mr. MAPES. Yes.

Mr. LITTLE. Mr. Speaker, reserving the right to object, I should like to ask a question. I notice that the bill says that the expenses of the government of the District of Columbia shall be paid out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and that the remainder shall be paid out of the Treasury of the United States. Will the chairman of the committee object to an amendment saying that not more than 50 per cent thereof shall be paid by the United States?

Mr. MAPES. I think that question may very properly be considered when we take up the bill under the five-minute rule, and that the chairman of the committee ought not to agree to any such amendment at this time.

Mr. LITTLE. I do not ask the gentleman to agree to it. I just wondered if you would object particularly.

Mr. MAPES. Yes; I think I would object.

The SPEAKER. Is there objection to the request?

Mr. GARD. What is the request?

The SPEAKER. The Chair will state it again. The request is that general debate be limited to four hours, to be confined to the bill, half the time to be controlled by the gentleman from Michigan [Mr. MAPES] and half the time by the gentleman from New York [Mr. GOULD]. Is there objection?

There was no objection.

The motion of Mr. MAPES was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7158) to provide for the expenses of the District of Columbia, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid, from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor, and the remainder shall be paid out of the Treasury of the United States: *Provided*, That the amounts to pay the interest and sinking fund on the funded debt of the District of Columbia shall be paid one-half out of the revenues of the said District and one-half out of the Treasury of the United States.

SEC. 2. That all acts and parts of acts in so far as they conflict with any of the provisions of this act are hereby repealed.

The CHAIRMAN. The gentleman from Michigan is recognized for two hours.

Mr. CRAMTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Michigan makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and three Members present, a quorum.

Mr. MAPES. Mr. Chairman, if this bill had not been dignified by persistent and highly respectable opposition one would not think that it was of such great significance or that it was of paramount importance either to the Nation or to the residents of the District of Columbia. Attempts have been made to read different meanings into it, which are not expressed in the bill itself. Opposition to it arises chiefly because of what its opponents have worked themselves up to imagine it means, or what they imagine will follow its enactment into law, rather than because of anything contained in the bill itself.

It is short and simple. There is no hidden meaning in it. It is hoped by its passage to accomplish two things only. The first is to clear up a legislative situation which has embarrassed the procedure of Congress for several years and on one or two occasions has almost been the means of causing an extra session of Congress. The second is to make available the present surplus in the Federal Treasury to the credit of the District of Columbia and change a provision of existing law which prevents the expenditure of a part of the money now raised by taxation because of the arbitrary fixed tax rate.

The language of the bill is the same in effect as that which has been carried as a rider upon the District of Columbia appropriation bill and passed by the House of Representatives five different times in as many years, namely, in the third session of the Sixty-third Congress, the first session of the Sixty-fourth Congress, the second and third sessions of the Sixty-fifth Congress, and again in the first session of the present Congress. As is well known, the House of Representatives has passed it, but the Senate has not only not passed it but has refused to give it serious consideration, assigning as the reason for its refusal to do so that it was a rider upon an appropriation bill, and that it would not consider a matter of so much importance in that way. As a result, in order to secure the passage of the District appropriation bill, the House each time has been obliged to recede from its insistence upon the legislation. In order to meet the objection of the Senate, and conceding that it is better procedure to consider it as a separate bill than as a rider upon an appropriation bill, as chairman of the Committee on the District of Columbia I introduced it as a separate bill, and the committee has considered and reported it as such. Its enactment into law would remedy this legislative situation, with which you are all familiar, and eliminate the cause which has held up the District appropriation bill for several sessions of Congress, and which apparently becomes more serious in each succeeding Congress. If the Senate refuses to consider it as a separate bill, the House can hereafter very properly insist upon its staying in the District appropriation bill.

But it is said that if passed it would repeal the half and half. So it would. People therefore favor or oppose the pending bill because they oppose or favor the half and half. But there are other considerations which should be kept in mind in order to have a complete understanding of the situation here in the District, so far as the system of taxation and of making appropriations for the expenses of the District government are concerned. In fact there are three provisions of existing law which ought to be kept in mind throughout the consideration of this legislation.

The first one is referred to as the half-and-half law. The half and half, as applied to the principle of making appropriations for the expenses of the government of the District of Columbia, gets its name from the provision in the act of 1878 providing a form of government for the District of Columbia, which reads as follows:

> To the extent to which Congress shall approve of said estimates (i. e., the annual estimates to Congress of the Commissioners of the District of Columbia for the expenses of the District government), Congress shall appropriate the amount of 50 per cent thereof, and the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and the District of Columbia.

The second provision to be kept in mind is contained in an act approved March 3, 1909, and limits the action of the commissioners in submitting their estimates. It is as follows:

> The Commissioners of the District of Columbia shall not submit, nor shall the Secretary of the Treasury transmit, to Congress regular annual estimates for expenses of the government of the District of Columbia for any fiscal year that shall exceed in the aggregate a sum equal to twice the amount of the total estimated revenues of the District of Columbia for such fiscal year. Said estimates shall take into consideration and embrace all charges against the said revenues arising under appropriations other than the regular District of Columbia bill.

The third provision of existing law to be kept in mind is the one making the arbitrary fixed tax rate for the District of Columbia. The tax rate does not fluctuate or depend at all upon the budget or the expenditures of the municipality as it does in all other cities or municipalities in the United States. Every other community knows that it must pay for public improvements and benefits either by increased taxes or bonded indebtedness. There is no such restraining influence against extravagance here. Is there any wonder that there is such a persistent demand on the part of local interests for increased governmental expenditures in the District of Columbia as long as they receive practically all of the benefits and bear none of the burdens of such increase? No matter how much or how little, how extravagant or how economical the expenditures of the government of the District of Columbia are, the tax rate remains the same. Consequently the amount of taxes raised from the fixed tax rate is in no way dependent upon the needs of the government, but is likewise fixed and arbitrary.

What is the result of these different laws? The result is that there is raised every year by taxation within the District of Columbia a sum of money greater than one-half the total amount which Congress, in its wisdom, sees fit to appropriate for the government of the District. A surplus is thereby created in favor of the District which under existing laws can not be used. This surplus is deposited in the Treasury of the United States, and is there held to the credit of the District of Columbia. It now amounts to $4,063,922.18. It increases from year to year, and unless there is some change in existing law it can never be used.

Furthermore, as the value of the property within the District increases, if the assessed valuation is raised accordingly, the amount added to this surplus each year will be more and more.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. SMITH of Michigan. What is the amount of that surplus at this time?

Mr. MAPES. Four million and sixty-three thousand dollars in round numbers.

In addition to that, out of the total annual appropriation for the District of Columbia at present the sum of $975,408 is for the interest and sinking fund on the funded debt to retire the so-called 3.65 bonds. The entire bonded indebtedness will be paid off in 1922, after which the District surplus will be increased on the same calculation, one-half of $975,408, or $487,704 per year, nearly one-half million dollars, in addition to the amount now being added to the surplus to the credit of the District every year.

Anyone at all familiar with the procedure of Congress knows that it will not appropriate for more than the commissioners' estimate, but it will in all probability pare down their estimates. Accordingly, if some such legislation as this is not passed there is bound to be a surplus of revenue raised in the District by taxation over and above the District's half of the appropriation.

There may be some reason why Congress should permit such a situation to continue, but I have been unable to find any that appealed to me, and it seems to me that it would be difficult to propose a bill that would be more conservative or more in accord with sound economic business and common sense than the present one.

The total assessed valuation of the real estate in the District of Columbia (I speak only of real estate, because the taxes on real estate constitute most of the District's revenue) for the fiscal year ended June 30, 1915, was $390,098,849, and for the fiscal year ended June 30, 1919, it was $414,610,691, or an increase in assessed valuation of $24,511,842, or a little over 6 per cent for the four years covering the war period. Land and improvements thereon are valued separately for assessment purposes in the District. It is of interest to know that the valuation of the land in the District, without the improvements, for the fiscal year ended June 30, 1915, was $208,085,318, and for the fiscal year ended June 30, 1919, was $208,097,025, an increase of less than $12,000 for the entire District in the four war years.

It would be amusing, if it were not such a serious matter to so many people, to call attention to the difference between the increased value of real estate in the District of Columbia for assessment purposes and the increase in the value for sale or rental purposes during this same period; but, looking at the matter from the standpoint of the local interests, it would be folly to increase the assessed valuation as long as the present very low tax rate will produce a surplus in favor of the District, which can not be touched because of a law which Congress permits to remain upon the statute books, and it is expecting almost too much of human nature to think that the assessor's office, surrounded as it is by local influences, will do so. From the standpoint of the local interests, which the officials of the District of Columbia represent, existing law offers every inducement to the assessor on the one hand to keep down the assessed valuation and to the commissioners on the other to pad their estimates.

Mr. BLANTON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. BLANTON. Is there another city of 400,000 people in the United States that has as low tax rate as the District of Columbia?

Mr. MAPES. Not to my knowledge.

Mr. BLANTON. One further question: Is it not a fact that every owner of property in the District of Columbia, whether he is a Representative or a Senator or an ordinary civilian, benefits by this low rate of taxation?

Mr. MAPES. It seems to me so.

The assessor, in the very nature of things, will not care to raise by taxation from his local associates more revenue than can be used, and the commissioners will endeavor to find ways and means of spending all the revenue that the arbitrary system with which they have to deal provides them. It would seem as though the present laws were a direct invitation to the local officials to figure in every way possible to give the National Government the worst of it.

From the standpoint of the national interest, can any defense be made to a system which encourages such results? It is positively vicious in its tendencies. Can Congress justify itself in permitting a law which produces such a situation to remain on the statute books? Why should we perpetuate a law or a system which arbitrarily raises by taxation more money every year than can be expended?

A great many Members of the House of Representatives are justly proud of their business experience and success. Is there a business man who would permit such a system in his personal affairs or private business?

Is here not a good place for Congress to begin to economize by making available the present surplus of $4,063,922.18 now in the Treasury to the credit of the District of Columbia, as well as the future surpluses which are bound to arise every year? Is there any better time to make the change than now, when people are being taxed to the limit and are demanding a reduction in all Government expenditures wherever possible?

The pending bill does not propose to increase the tax rate or change in any way the tax system now in effect in the District. If it should be enacted into law the taxpayers in the District would not thereby be required to pay 1 cent more in taxes than they are now required to pay. It merely provides, to quote the language of the bill, that the "expenses of the District of Columbia shall be paid from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor, and the remainder shall be paid out of the Treasury of the United States"; that is, apply the money that is now raised by taxation in the District of Columbia by the present arbitrary tax rate fixed by law, as far as it will go, toward the payment of the expenses of the District government, the balance to be paid out of the Federal Treasury.

Inasmuch as the taxes paid by the residents of the District, based upon a true valuation of their property, are very much less than the taxes figured upon the same basis paid by residents of any other city in the United States which approaches Washington in size or advantages, it would seem not only eminently fair to the taxpayers of the District but exceedingly liberal to them, as long as they are not required to pay any more, to use the money thus raised before asking the Federal Government to contribute to the expenses of the local government, and that not to do so is grossly unfair to the taxpayers of other cities, who pay much higher taxes for State, county, and municipal purposes and who are required to pay their proportionate share of any contribution by the Federal Government to the expenses of the government of the District of Columbia.

Keeping in mind the three provisions of law to which I have called attention, namely, the half-and-half law, the law fixing an arbitrary rate of taxation for the District, and the law limiting the estimates of the commissioners to twice the estimated revenues of the District, I submit that there is no escape from the indefensible condition to which I have called attention without the passage of some such legislation as is proposed in the pending bill unless Congress plans to appropriate more than it allows the commissioners to estimate for or is willing to repeal the law limiting their estimates, either one of which alternatives would be a direct invitation to extravagance in the conduct of District affairs, and now is a poor time for Congress to be making such suggestions to any department of the Government.

There is one other alternative, which the modesty of the local taxpayers has not permitted them even to suggest, and that is a reduction of the already low tax rate, and that, of course, would not make available the present surplus.

Some of the witnesses before the District Committee criticized the House of Representatives and the committee for passing this legislation without giving it proper consideration and without a sufficient understanding of the subject. The answer to that criticism is that the matter has been before Congress for several years, and the criticism directed against the Members of Congress who favor the legislation is due to the fact that they understand the question too well to suit certain people instead of too little.

The joint select committee of Congress, appointed pursuant to the act approved March 3, 1915, to determine the fiscal relation between the United States and the District of Columbia, recommended the principle proposed in this bill. That committee, on page 8 of its report, said:

> We find after a most careful consideration of all of the evidence and circumstances as shown to exist at this time that there is no reason for any arbitrary rule of proportionate contribution for the expenses of the District of Columbia by the residents thereof and by the people of the United States who reside outside the District of Columbia; that the correct rule should be that the responsibility in taxation of the residents of the District of Columbia be as fixed and certain as the responsibility of residents of other American cities comparable with the city of Washington.

This proposed legislation was also recommended in substance by the then two civilian Commissioners of the District, Mr. Newman and Mr. Brownlow, when they appeared before the joint select committee. The commissioners represented the city government, and, although representing and surrounded entirely by local interests, they had the courage to speak their convictions on this subject, and their statements are a complete answer to every objection that has been raised to the legislation. Commissioner Newman testified before the joint committee on page 917 of the hearings:

> It seems to me that these certain surpluses automatically dispose of the half and half, for this reason, that to defend the half and half in the face of them means to do one of two things—appropriate twice as much money every year as the District raises and thereby absorb the surplus or reduce the tax rate in the District of Columbia.
>
> I do not anticipate that any member of this committee would seriously propose to this Congress a reduction of the tax rate in the District of Columbia. When you realize—

He said—

> that this 1 per cent includes a great many State and county taxes which you pay in your home cities it must be apparent to each of you that the present tax rate, at least, is not oppressive. On the other hand, I think it must be apparent also to every member of this committee, when you sit down and calmly consider the appropriating habits of the Congress of the United States, that Congress is not going to make appropriations for twice the amount of these increasing revenues of the District of Columbia.

And again, on page 918 of the hearings, Mr. Newman said:

> If you continue the half-and-half, in order to obviate the accumulation of a surplus which will not be used you must do one of two things, reduce the tax rate or appropriate twice the amount raised by the existing tax rate. I do not believe that Congress will appropriate twice the amount of taxes raised in the District of Columbia, and I say that because those things do not happen in the process of making appropriations.

And again he said:

> Unless you reduce the tax rate that surplus is bound to accumulate. Just one word—

He continued—

> as to why that surplus should not be piled up. We do not need it—I mean, as a surplus. Our indebtedness is very small. We owe less than $6,000,000.

It has since been reduced so that now it is only a little over $2,000,000.

> The balance of the 3.65 bonds is all the money that the District of Columbia owes. In other words, we have a debt less than $6,000,000 (now $2,000,000) and an assessed valuation of about $400,000,000. We are in very fine financial condition. If at any time it was desirable to undertake a large extraordinary project—for instance, the development of the Great Falls water-power scheme—it could, and I think should be financed by a bond issue, as other municipalities finance unusual expenses of that character, and this could be done for the double reason that we have a very small debt and that we have a very great advantage over every other city in the issuing of bonds, in that we can float them at a lower rate of interest.
>
> A defender of the half-and-half system might—

He continued—

> with some logic advocate the payment of the balance of less than $6,000,000 of 3.65 bonds with the surplus of District revenues, but we are paying those bonds off at a rate of about $700,000 a year now, and even if we should devote all our surplus to paying off these bonds in two or three years they would be paid up and we would again be in the same situation we are in now.

Commissioner Brownlow, before the same committee, testified on page 930 of the hearings as follows:

> I do not believe it is possible to arrive at an equitable proportion by the process of treating the holdings of the Federal Government as private property and exacting from the Federal Treasury a contribution which would equal the amount of taxes levied upon the Federal property if it were in private ownership.
>
> Neither do I believe that an equitable proportion can be stated in terms of percentages. Any fixed apportionment implies a marked division between national and municipal functions and interests, and if there be such division, in the nature of events it must vary from year to year. Assuming that there is such a division of interest, it must follow that if the half-and-half be entirely just and equitable this year, it may well be that next year it will be unjust and inequitable.
>
> I believe that the National Government should assume full and sole responsibility for the National Capital, meeting its every expense by a direct appropriation from the Federal Treasury; that the people here should contribute toward the national expenses an amount equal to the taxes paid by citizens of other American cities of approximately the same size.

If the Commissioners of the District, representing as they did the local government, took that position, why should Congress hesitate to pass this legislation?

The legislation is opposed because its opponents think they see in it an attempt to raise more money by taxation in the District. They fear that its passage will mark the beginning of legislation to require the taxpayers of the District of Columbia to pay more taxes, taxes more like what people have to pay who live in other cities in the United States, and their opposition to it on that ground leads them to maintain that the taxes paid by the residents of the District of Columbia are now fairly comparable to those paid in other cities. The statement of their position on this point, as stated in the minority report, is that "the property taxes paid by citizens of Washington are fairly comparable in every way to the taxes paid by citizens of other cities similar to Washington in resources and population."

It does not follow that the passage of this bill will be followed by other legislation increasing the tax rate in the District, although as far as I am concerned I am willing to meet the issue thus raised by its opponents.

I have no desire to argue the perfectly obvious. The membership of the House who pay taxes in other places know how the tax rate here compares with what they have to pay in other places. It is only necessary to compare their tax receipts on other property with the tax rate here.

The law requires that real estate in the District of Columbia shall be assessed at "not less than two-thirds of the true value thereof," and the assessor in making the assessment acts upon the assumption that the law requires him to assess it at not more than two-thirds of the true value. The rate upon that two-thirds assessed valuation is 1½ per cent, or 1 per cent of the true value, assuming that the assessment is actually two-thirds of the true value.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. EVANS of Nebraska. Can the committee advise us as to what the corresponding value is comparing the actual sales made at the time of the last assessment with the value fixed by the assessment?

Mr. MAPES. In a general sort of a way I will say, as I have called attention to the fact, that the assessed value in the District of real estate has increased about 6 per cent in the last four years, and the gentleman can draw his own conclusion as to whether or not that is equal to the actual increase of value.

Mr. EVANS of Nebraska. There has been no actual comparison made by the committee?

Mr. MAPES. No actual comparison.

Mr. WILLIAMS. But the value approximates very closely to the assessed value.

Mr. MAPES. I will say that there was some evidence introduced along that line. I think it has been the consensus of opinion here in the District that after the report of the so-called George committee in 1912 the tax assessors raised the assessment of the real estate generally, at least the down-town portion of it, to where the assessed valuation was about two-thirds of the real value. Of course, since that time, as gentlemen know, we have had the war, and valuations have gone up very much.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. ZIHLMAN. I submit that the gentleman ought to give the figures given in the hearings as to the bona fide sales and assessed value in the down-town section.

Mr. MAPES. I have not those figures, but I assume the gentleman will give them when he gets the floor.

Mr. ROSE. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. ROSE. Would it not be fundamentally wrong to increase the tax laid in the District of Columbia when it is absolutely shown that the money can not be used for District purposes?

Mr. MAPES. There does not seem to me to be any sense in it. I do not think the assessors, with the local influences, will have any tendency to increase the assessment under present conditions.

Mr. ROSE. Is there any city in the United States that has a surplus fund as shown here raised from taxation?

Mr. MAPES. Not that I know of.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. SMITH of Michigan. Will the gentleman please state what the assessment is on personal property in the District as compared with the tax on personal property in other cities?

Mr. MAPES. I am coming to that in a minute.

Mr. SMITH of Michigan. I have heard it stated that this is a rendezvous for people who wish to avoid taxation on personal property, and that is the reason for my question.

Mr. BLANTON. And that is what it is.

Mr. MAPES. For practical purposes, the tax rate on personal property might well be ignored in the consideration of this question, as it usually is as a matter of fact, because the great bulk of the taxes in the District are raised on the real property, although the rate on personal property here is much lower as compared with the rate on personal property in most other places than even the rate on real estate.

Intangible personal property, such as stocks, bonds, notes, mortgages, etc., is taxed at four-tenths of 1 per cent only, and tangible property, after exempting household furniture to the value of $1,000 and all libraries, wearing apparel, articles of personal adornment, family pictures, and heirlooms entirely, pays a tax of 1½ per cent.

In my opinion it requires no argument to convince the impartial student of affairs or the taxpayers of other localities that the residents of no other city in the United States which approaches Washington in population or advantages enjoy anywhere near as low a tax rate, based upon a true valuation of the property, as do the taxpayers of Washington. The truth of this statement has been demonstrated over and over again in the discussion of the subject upon the floor of the House. Congressman Prouty, of Iowa, in the Sixty-third Congress, put into the RECORD a list of 40 leading cities throughout the country, giving the tax rate in each city, figured on the true valuation of the property. The average for all the cities was about 2 per cent, or twice what it is in Washington on the real estate alone.

The gentleman from Iowa [Mr. GOOD], chairman of the Committee on Appropriations, testified before our committee on page 240 of the hearings, that in his home city, with a population of about 45,000, a house and lot, which would sell for $4,000, paid from $90 to $100 taxes. Here it would pay $40, assuming that it was fully assessed.

The gentleman from Texas [Mr. LANHAM], a member of the committee, showed the committee a tax receipt for the taxes on a piece of property in a city in his district, valued at $4,000, on which he had paid taxes amounting to $132, or over three and one-third times what the same property would pay in the District of Columbia. Mr. LANHAM stated that the valuation on his property was a fair market value, and that the gross annual return from the property was only $393.

The gentleman from Florida [Mr. DRANE] brought out the fact that the tax rate on a full valuation in Jacksonville, Fla., is 3½ per cent, in Tampa and Lakeland, Fla., it is 3 per cent.

The gentleman from Maryland [Mr. ZIHLMAN], who signed the minority report, brought out the fact before the committee that the tax rate on a valuation of 80 per cent in the city of Baltimore is 3½ per cent, which is equivalent to 2⅘ per cent on a full valuation, or two and two-thirds times what it is here in Washington.

The gentleman from Mississippi [Mr. SISSON], in testifying before the committee, showed that the tax rate, including city, county, and State taxes, in Louisville, Ky., was 2.72 per cent on a true valuation; in Dallas, Tex., 2.97 per cent; in Buffalo, N. Y., 3.93 per cent on a valuation of 94 per cent. And so one might go on, but it seems to me unnecessary to multiply examples to prove what all human experience shows to be the fact.

I would like, however, to call attention to one further piece of testimony on this subject. The minority report filed against this bill is said to have been written by the gentleman from Illinois [Mr. WILLIAMS]. It is fair to assume, therefore, that he is the author of the statement appearing in the minority report to which I have called attention, to the effect that—

> The property taxes paid by citizens of Washington are fairly comparable in every way to the taxes paid by citizens of other cities similar to Washington in resources and population.

The newspapers of the District have in the last few days called attention to the fact that some of the members of the committee who voted to report this bill have since indorsed the minority report. It may be interesting to know the opinion of the gentleman from Illinois on this point which he makes in the report at the time of the hearings, as voluntarily expressed by him before the committee.

On page 167 of the hearings, Mr. WILLIAMS, interrupting the witness, Mr. Theodore Noyes, made this statement:

> I do not think that we can sustain this proposition if we start out to assert that the property bears as much taxes in the District of Columbia as it does in other parts of the country.

And, again, on page 163, Mr. WILLIAMS, interrupting the same witness, said:

> It does not pay to say to Congress that the taxes are as high in other cities as they are in the city of Washington, when as a matter of fact Members of Congress know that that is not a sound proposition, because they pay taxes in different cities.

I am willing to stand on that proposition as announced by the gentleman from Illinois during the hearings, and I challenge anyone to prove that it is incorrect.

I thought, perhaps, that the statement in the minority report might be based upon the personal experience of those who signed it, so last week I sent identical telegrams to the city treasurers of the home cities of all the Members who signed that report to ascertain the tax rate in their home cities, in order to see how it compared with the rate in Washington. Some of them live in small places—smaller than I realized until I looked up the population in the census report—but I think it is fair to say that the larger the city the more advantages it affords in the way of paved streets, sewer system, water works, public lighting system, and so forth, and the higher is the tax rate, so that the comparison would naturally be in favor of their position.

The telegram in each case was addressed to the city treasurer, and the body of it was as follows:

Will you telegraph me collect tax rate for one year on assessed valuation of property in (name of town), including city, county, and State taxes, and basis of assessment, whether on full valuation or not?

I will give the replies, as far as I have received replies, from the different city treasurers of the home cities of the signers of the minority report in the order in which their names appear on the report.

The first is from the city treasurer of Louisville, Ill., the home of the gentleman from Illinois [Mr. WILLIAMS]. Louisville, Ill., according to the census report, had a population in 1910 of 670. It is therefore only a village. I do not know whether or not it has a sewer system, a public lighting system, water works, or how many paved streets, or what other city improvements and advantages it may have; but the telegram from the treasurer of Louisville is as follows:

Tax rate, city, $1.43½; county rate, regular, 50 cents, and special, 34 cents; State rate, 40 cents; taxes computed on one-half valuation.

FRED MCCOLUM,
City Treasurer.

The combined rate given in the telegram makes a total tax in Louisville, a village of 670 inhabitants, of $2.67 for every hundred dollars' assessment on a 50 per cent valuation, or $1.33 on a full valuation, which is one and one-third times as much as the residents of the National Capital have to pay, with all of its advantages.

Without taking the time to read the other telegrams in full, I will only give their substance.

I did not receive any reply to my telegram to the city treasurer of Seneca Falls, N. Y. On looking up the census I find reference to Seneca Falls village, and perhaps I did not properly address the telegram. The treasurer of the city of Cumberland, Md., the home of the gentleman from Maryland [Mr. ZIHLMAN] replied that the taxes in that city, for the city were $1; for the county, $1.17; for the State, $0.31, and that the assessed valuation of the city is $25,000,000, and the basis of taxation about 80 per cent. Twenty-five million dollars assessed valuation is over one-fifteenth of the assessed valuation of the city of Washington. The population of Cumberland was 21,000 in 1910. The total tax rate on 80 per cent in Cumberland, according to the telegram is $2.48 per hundred, or on a basis of 100 per cent it would be $1.98, or practically twice what it is in the National Capital.

The city treasurer of Clarksburg, W. Va., the home of the gentleman from West Virginia [Mr. REED], telegraphed that the city rate there was 60 cents; the State and county tax rate, $1.44; and the basis of assessment, full valuation, making the total tax rate of $2.20 in a city with a population of 9,201.

The city treasurer of Cape Girardau, Mo., the home of the gentleman from Missouri [Mr. HAYS], telegraphed that the rate, city, county, and State in that city is $3.38, and the assessment basis 45 per cent. That is equivalent to $1.50—or one and one-half times what it is in the great National Capital—in a city with a population of 8,475.

The city treasurer of Lewisburg, Pa., a city with a population in 1910 of 3,081, telegraphed that the assessed valuation of Lewisburg is $1,520,605, that the school tax is 10 mills, the borough tax 6½ mills, the borough bond tax 2¾ mills, and the poor tax 3 mills, on a valuation of 75 per cent, making a total tax of 22¼ mills on the valuation of 75 per cent, or one and two-thirds as much as is paid in the District of Columbia.

The treasurer of the city of Steubenville, Ohio, the home of the gentleman from Ohio [Mr. MURPHY], a city with a population of 22,000, one of the largest from which I received replies, telegraphed that the total tax rate there is $17.40 per thousand on a valuation which is about three-fourths of the true valuation at the present time, which would make $1.30 on a full valuation, or one and one-third times what it is in the city of Washington.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. MURPHY. The valuation for taxation when those figures were given was such that you could not sell your property for the tax value in many instances stated. The figures given are not fair.

Mr. MAPES. That perhaps explains the wording of the latter part of the telegram, which seemed to me to destroy its value, but after the gentleman's explanation I think it helps, because the telegram says:

This assessed valuation is about three-fourths of the true valuation at the present time.

It, of course, is higher than it was when the assessment was made.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WILLIAMS. What was the rate of the tax levied in the city of Steubenville?

Mr. MAPES. The total was $17.40.

Mr. WILLIAMS. On a two-thirds valuation?

Mr. MAPES. On a three-fourths valuation.

Mr. WILLIAMS. How would that make more than twice the rate in the city of Washington?

Mr. MAPES. I said one and one-third.

Mr. WILLIAMS. I misunderstood the gentleman. That includes the county and State tax?

Mr. MAPES. Yes; it includes all the tax they have to pay, as the 1 cent includes all of the tax the residents of the District of Columbia have to pay.

I have only one more, from the city treasurer of Springfield, Ill., the home of the gentleman from Illinois, Mr. WHEELER. He telegraphed that the total tax rate for the city of Springfield is $6.67½ on $100 assessed valuation, property assessed on one-half of 65 per cent of full value, which is $2.13 per hundred on full valuation, in a city with a population of 51,000.

Of course, there is no other city that has the same advantages that Washington has, so that it is impossible to make an absolute comparison with other cities, but for one I do not believe that it is possible to successfully maintain the position that property in Washington pays as much taxes as property in any other city in the United States which approaches it in population or advantages.

The witnesses before the committee in their attempt to justify their position argued that the per capita tax, or the total tax of the city, should be the basis of comparison. I do not believe that there is any justness in such a comparison. Time will not permit any more than a reference to that argument, but it seems to me that a person's ability to pay or the amount of property he owns should determine his tax obligation in Washington, the same as it does in other places. In other words, to give an extreme illustration, a community consisting of millionaires should expect to pay more than a community consisting of paupers, even though each has the same number of souls. The great body of industrial workers and laborers in other cities, whose per capita tax is small, more than offsets any similar body in Washington. It is well known that there are scarcely enough working people in Washington to take care of the demand in this nonindustrial city.

The minority report, in addition to the interesting historical résumé which it gives of the fiscal relations between the National and District Governments, concludes with two other statements to which I can only refer. It says that "the amount of revenue derived from District taxation doubled by the addition of a like amount from the Federal Treasury is not more than the needs of the District require."

The answer to that is, as already pointed out, that it is more than Congress has appropriated for the last few years, or in all probability will ever again appropriate in the future for the needs of the District, and now is a poor time for Congress to adopt a policy of more liberal appropriations for any department of the Government.

The final conclusion of the opponents of the bill is that the "best interests of the Capital City will be served by leaving unchanged the act of June 11, 1878." It is the old argument. Because a thing has always been, do not change it, no matter what changes have taken place in the circumstances which brought it into being. The Congress of 1878 could not fix the legislative policy of the Nation toward the District for all time.

There is nothing sacred about the half-and-half law. The reason for it no longer exists. It was passed to save the city from itself after a period of gross mismanagement and extravagance in the administration of the city's affairs. The local administration had been literally running riot in the conduct of affairs. The joint select committee of Congress appointed in 1874 to inquire into the affairs of the District government, of which the

late distinguished Senator Allison, of Iowa, was chairman, said, in its report:

> Your committee are unable to see but one way in which the board—the then board of public works of the District—could have expected to pay this large debt; that is, by receiving aid from Congress, as it must have occurred to them that the resources of the District could not be taxed sufficiently to pay them.

That joint select committee, to quote the language of its report, "unanimously arrived at the conclusion that the existing form of government of the District is a failure and that no remedy short of its abolition and the substitution of a simpler, more restricted, and economical government will suffice."

It also recommended "a tax of 3 per cent upon real estate in the city of Washington and 2½ per cent in the city of Georgetown and 2 per cent in the county outside to maintain the government of the District for the year ending June 30, 1875."

It would be interesting to know why Congress in 1878 fixed so much lower rate of taxation than was recommended by the joint committee in 1874. Singularly enough there was very little discussion of the matter in the congressional debates.

Conditions in the District, however, have entirely changed since 1878. The population then was about one-third of what it is to-day. The city was greatly in debt and threatened with bankruptcy. Its total indebtedness was nearly $25,000,000, or about $150 per capita, much larger per capita than that of either New York, Boston, or Philadelphia at the time. Now the city is prosperous, it has been greatly improved, it has a population estimated at over 450,000, and its finances are in splendid condition. In less than three years it will have no indebtedness. Why should it be coddled any longer?

Indeed, the reason for the changed condition of affairs in the District of Columbia now over what they were in 1878 and before is due not to the half-and-half provision in the law of 1878 but to the fact that Congress at that time determined to exercise its constitutional power of exclusive legislation over the District, which it had not done before. It has kept control of local affairs ever since that time, and there is no suggestion of a change in that respect in this bill. As a matter of fact, the half-and-half provision of the act of 1878 was a minor consideration in that important piece of legislation, except as it furnished undue protection to the local interests from taxation with which to pay for their own extravagance.

The joint select committee of Congress appointed pursuant to the act approved March 3, 1915, speaking of the half-and-half, says very forcibly, on page 11 of its report:

> While there were those in 1878 who doubted the propriety, or even the expediency, of legislation fixing a certain and definite ratio of contribution by the Government to the payment of the expenses of the District, this act was apparently considered a satisfactory compromise solution of a problem then exceedingly difficult of proper determination by reason of the conditions in the District of Columbia at that time.
>
> But we think that the conditions of to-day and of the few years last past are so different from the conditions of 1878 that this arbitrary rule—a rule of then seeming necessity—need no longer be applied to District appropriations.
>
> Then the District was under a great debt; to-day that debt has been very largely paid, and the next few years will see it completely paid in the manner we have described herein.
>
> Then the District was suffering from the many experimental forms of government which had been tried in successive years almost; to-day the form of government is one of long existence, tried and tested.

As said in the majority report:

> It is not a sufficient answer to those who ask for the repeal of the half-and-half principle to say that it is necessary in order to maintain and support the Capital City on a scale befitting a great Nation. Congress has always contributed to its care and upkeep, and undoubtedly always will. It is folly to argue that the Members of Congress who come to Washington from all over the Nation, who represent the national thought, and who take a natural pride in their Capital City, will not provide liberally for its maintenance. As a matter of fact the American people as a whole take an ever-increasing pride in the Nation's Capital, and they will see to it that it is fittingly and liberally maintained. Let the residents of the District of Columbia, who receive the most direct benefits from its development and improvement, do their share as citizens of a great city, and there need be no fear but that the Nation as a whole, through Congress, will do likewise.

It is perhaps to be expected that the big taxpayers in the District of Columbia should desire to keep their taxes down as low as possible, and therefore oppose any change in the existing arrangement. If they can hoodwink Congress into keeping the present tax rate of 1 per cent on the statute books, instead of the average rate of other cities of 2 per cent, it means a saving every year of just what they now pay in taxes. It would be nice if your constituents and mine did not have to pay any taxes to support the Government under which they live, but they do, and as long as they do, why should the residents of the District of Columbia, who enjoy the privilege of living in the Capital City, with all its advantages, be given a freedom from taxation which people living in other cities, with fewer advantages, do not have? People come to Washington to live for various reasons. I will not say that they come primarily to escape taxation, but I will venture the assertion that the tax rate here has no tendency to keep them away. I do not know why they come, but anyone who will take the trouble to investigate will find many cases of wealthy people who claim a residence in Washington, whose interests and natural residence are in other places.

I realize the strength of the opposition to this bill. But the Congress of the United States ought to do justice to the people of the Nation as a whole before being liberal to those who reside in the District of Columbia.

Certainly it is not unreasonable to require the District to pay the expenses of the District government out of revenues raised by taxation from the present low tax rate to the extent that they are sufficient therefor. [Applause.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. LANHAM], a member of the committee.

Mr. LANHAM, by unanimous consent, was given leave to revise and extend his remarks.

Mr. LANHAM. Mr. Chairman, as a member of this committee who attended the hearings and voted for a favorable report on the bill under consideration, I think that the accusation can not justly be urged against me that I have not a proper pride in the beautification of the National Capital and in its civic progress and development. In addition to the interest which every patriotic American feels in it, I have the added impulse and impetus of having lived here many years as a boy and of having attended the public schools in this city. And so, as a quasi-citizen of the District through that personal experience of boyhood residence, I wish in my observations to be fair to its citizens and also to the other people of the United States who as taxpayers contribute a part of the District's governmental expenditures.

It seems to me that the matter of pride in the Nation's Capital does not necessarily enter into this question of its fiscal relations as presented by this bill. I think it may be safely assumed that the Congress, composed of representative and patriotic citizens from all sections of our country, will at all times befittingly maintain that pride, and that their legislative action will reflect it.

I take it for granted that the people of the District wish loyally to bear their proportionate part of the expenses of the government with reference to the District. A proper regard for the welfare of the Capital should, like charity, be at least manifested here, even if it should not begin here. And I accord to these citizens the same patriotic purposes which I claim for myself.

The life of a citizen of the District of Columbia is not a specially undesirable and burdensome one. He has many cultural and educational and recreational advantages which the people of the several States can not enjoy, even with an increased rate of taxation. He does not contend that his tax contribution is excessive. It is 1 per cent on a full valuation of realty and tangible personal property and three-tenths of 1 per cent on intangible personal property.

It should be borne in mind that not all the people of the District wish or maintain that the present so-called 50–50 system should be continued. Two of the commissioners who appeared before the joint select committee in 1915 practically advocated the abolition of it. Several citizens presented similar views at the recent hearings. And it should be remembered, also, that the abrogation of this policy does not necessarily impair or prevent any efficiency which may have been attained here in the operation and administration of taxation. If the rate be low by reason of that efficiency, this bill does not seek to make any change in that rate. The only extra burden its passage would place upon the citizen of the District would be one arising from a more adequate assessment of the valuation of his property. Under the 50–50 plan it seems that this valuation has necessarily been low in order that the revenue might not be in excess of that which Congress could reasonably be expected to duplicate.

The present system had its origin at a time when those who advocated it said that 50 per cent was the proper and equitable proportion of expense to be borne by the National Government. That time, it seems, in the course of history has passed. We shall see this from the present respective valuation of governmental and private property.

I repeat that the bill under discussion does not seek to change the system of taxation or increase the rate. There is by existing law a limitation on the commissioners of the District which forbids the preparation of a tax program in excess of double the amount of the estimated revenues for the fiscal year, and the Secretary of the Treasury is likewise precluded from submitting estimates beyond that sum. Under this limitation has arisen a surplus of District revenues, referred to

by the gentleman from Illinois [Mr. WILLIAMS] as a small one, but now amounting to more than $4,000,000. This amount, now in the Treasury, has been paid by the people of the District of Columbia through taxation, and it can not be used under the provisions of the prevailing 50-50 plan. This surplus will increase rather than diminish under the present régime.

There are some who believe that the Government should bear no part of the expense of the local affairs of the District. It is not my contention that there should be any mathematical nicety of proportion between the amount of expenses borne, respectively, by the people of the United States and the people of the District. But if one should contend for a principle of this character, the present plan of 50-50 does not represent it.

A few days ago, for my information, I asked Mr. William P. Richards, assessor of the District of Columbia, for a statement of the relative valuation of United States property and of privately owned property. In a letter to me dated January 8, 1920, accompanying a brief tabulation in this regard, he says:

The assessment of Government property includes all lots, reservations, and parks owned by the United States and the improvements thereon. It does not include any of the streets or avenues, or parts of streets, except so much as may be included within the small triangular or circular spaces that come at street intersections. The total acreage of Government-owned property is 7,420 acres.

The assessment of exempt property was made by the Board of Assistant Assessors and the valuation was deduced by comparison with surrounding values of privately owned real estate. Of course, where property is of a special site and in large holdings, the judgment of the assessors would guide as to whether it had any advantage over surrounding property and should be assessed at any higher rate. United States buildings are included herein at approximately two-thirds of their original cost, although in a few instances allowance has been made for depreciation. Many of them, being of a monumental character, could not be reproduced to-day at anything like their original cost.

The office has, during the last two years, obtained a great deal of detailed information as to the cost of Government buildings from the various departments having such buildings in charge.

In regard to the parks included within the inclosed estimate, I will state that Rock Creek Park, Potomac Park, Bolling Field, grounds along the Anacostia River, and such places as the Insane Asylum, Boys' Reform School, Soldiers' Home, Naval Observatory, etc., are all included, and, in addition, some several hundred small circular and triangular parks within the city limits are included in the estimate.

I think it would be well at this point to call attention to the fact that county and city lines have been obliterated in the District, and that the same rates of taxation on real estate, tangible and intangible personal property, apply in the outlying sections of the District that exist in the city proper. Much of the Government property located in the District is not, strictly speaking, in the city itself.

The table given by the assessor is as follows:

Assessed value of real and personal property, District of Columbia.

Real estate taxable, 1919:	
Land	$208,097,025.00
Improvements	206,513,666.00
Total	414,610,691.00
Tax	6,219,160.00
Personal property:	
Tangible ($56,226,510, at 1½ per cent)	843,397.66
Intangible ($293,506,450, at ⅗ of 1 per cent)	880,519.34
Banks, public utilities, etc. (2 to 6 per cent)	951,234.04
Total	2,675,151.04
United States property:	
Land	131,660,620.00
Improvements	114,097,500.00
Total	245,758,120.00
District of Columbia property:	
Land	4,899,224.00
Improvements	10,181,700.00
Total	15,080,924.00
Religious, educational, charitable institutions, and foreign legations:	
Land	10,679,003.00
Improvements	16,754,600.00
Total	27,433,603.00
Real estate taxable, 1920:	
Land	213,499,811.00
Improvements	213,123,819.00
Total	426,623,630.00
Tax	6,399,354.45

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LANHAM. I shall ask the gentleman from Michigan to yield me additional time.

Mr. MAPES. I yield five minutes more to the gentleman.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. LAZARO. As quoted in the newspapers, I find that the minority report says that the amount of revenue to be derived from the District taxation, doubled by the addition from the Federal Treasury, is no more than the needs of the District require; that many very necessary improvements are now being delayed, and all the available revenue under the existing arrangements will not more than meet the pressing needs of the District for years to come. What does the gentleman say about that?

Mr. LANHAM. I think the passage of the pending bill will place at the disposal of the District of Columbia for expenditure the surplus of more than $4,000,000 now in the Treasury. As indicated, under the present system this surplus will increase for the next few years, because a considerable part of the revenue of the District is now being devoted annually to the payment of the funded indebtedness, which will be entirely paid in 1922, and the passage of this bill would help rather than hinder the satisfactory solution of the problem the gentleman presents.

Mr. LAZARO. By increasing the taxes in the District?

Mr. LANHAM. Not necessarily; but by making available the entire revenue from the taxes in the District, supplemented by such sum as Congress would see fit to appropriate.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I have some things I want to say in the five minutes just granted me, and I must decline to yield.

As will be seen from the table to which I have referred, the valuation of the property belonging to the United States is $245,758,120, as against a total of $414,610,691 owned by the people in the District, which falls considerably short of the proportion of 50-50. The valuation for 1920 of the District property is $426,623,630.

Mr. JUUL. Mr. Chairman, will the gentleman yield? I am anxious to have him answer a question.

Mr. LANHAM. My time is so limited that I must decline to yield.

Mr. JUUL. I hope the gentleman from Michigan will give him time so that he may answer the question.

The CHAIRMAN. The gentleman declines to yield.

Mr. LANHAM. The increase in the valuation of District property from approximately $390,000,000 to more than $414,000,000 during the fiscal years from 1915 to 1919, including the war period, does not indicate an excessive assessment or an intolerable burden; and, in my judgment, it does not properly reflect the greatly increased price in sales and rentals in the District.

I want to call attention to the per capita basis of comparison upon which those who oppose this bill principally urge their contention. Tables are inserted in the hearings which show the per capita payment of taxes on realty and personal property in many cities of the United States. These tables were prepared by some gentleman connected with the Census Bureau, and Washington seems to enjoy a splendid rating according to this standard. We are discussing a property and not a per capita tax. That might be a fair basis for a comparison of poll taxes. The Census Bureau probably gives the national debt also by its per capita burden, but we know very well that the payment will not be made according to this per capita arrangement. With reference to the matter in hand, such a standard is a mere camouflage of figures.

For example, I notice on page 64 of the hearings in one of these tables that in the city of Fort Worth, Tex., where I reside, the per capita realty tax levied is $8.50, and in Washington, D. C., it is $16.55. The per capita total property tax levy in Fort Worth is given as $11.24 and in Washington as $20.68. We have in the State of Texas a law requiring a full valuation. I say without shadow of hesitation that assessment in Texas is as nearly two-thirds of the value as it is in the District of Columbia, where a two-thirds valuation is the basis. And yet, exclusive of the State and county taxes which our Texas people pay and which are not required of residents of the District of Columbia, the Fort Worth citizen in his municipal tax alone exceeds by six or seven dollars per $1,000 the tax contribution of the Washington citizen. The per capita standard will hardly be thought fair, under these circumstances, by the proverbial Jones who pays the tax. And it is worthy of mention in this connection that the people of the District of Columbia enjoy many privileges and benefits similar to those which accrue to the people of the several States by the payment of State and county taxes from which the Washingtonian is immune.

Nor do I think the total revenues of the respective cities, another favorite comparison of the opponents of this measure, afford an accurate criterion for our guidance. Too many and varied elements enter into a computation of this character, and no city is strictly typical according to such a test. The nature

and extent of the funded indebtedness, for instance, may occasion a considerable disparity in cities of approximately equal population. And let me remark, in this connection, that this bill takes care of the funded debt of the District of Columbia upon the existing 50–50 basis.

Mr. Chairman, it has been asserted at the hearings, and will likely be restated on the floor of the House, that a number of wealthy men have been attracted to make their homes in Washington by reason of the very low rate of taxation on intangible personal property. I have even heard that some have been able to defray their living expenses on the saving thus made possible here. I have no definite information on this subject, but the positive statement was made before the committee that some men of means have moved here because of such disparity in rates in Washington and in the States. The Washingtonian is entitled to fair and just consideration, but he has no right to demand that he be petted and pampered at the expense of the people of the country. In my humble judgment the provisions of the pending bill are drawn in the real interest of the citizens of our country, both here and elsewhere.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GOULD. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman and members of the committee, I am one of those who came to the consideration of this question prejudiced against the city of Washington, because, as I thought, of the higher cost of living here, and because of the many reports that I have heard concerning the way the citizens of the District were escaping taxation. After listening to the hearings and studying the figures that were there produced, however, I am convinced that this change ought not to be made at this time. It seems to me that when we are trying to curtail in every way, trying to save money for the country, and to pare down our expenses in every direction, it is not a proper time for us to take up this measure and do away with a law that has worked satisfactorily for the last 40 years, and do away with that law in such a way as will leave unlimited the amount that the United States Government will have to pay toward the administration of the District of Columbia.

I was away from Washington at the time the minority report was signed, and I presume it was for that reason that the chairman of our committee did not telegraph to Newport to find out in regard to our methods and rates of taxation. I would state for the information of the House that our rate of taxation is about $1.80, and as has been well said by my colleague, Mr. WILLIAMS, you can not judge, you can not compare merely by the rate alone, you must have the rate and the assessment. It seems to me that here in the District of Columbia we have a method of assessment that is fair and equitable to all of the citizens and the taxpayer. The tax assessor, unlike in many of our cities and towns, is not elected by the people, but holds a permanent appointment, and therefore is removed from any prejudice or feeling that he might have that he has to favor anyone in order to secure his reelection. The figures that have been produced before the committee show that the valuations that he has put upon the property here in the District of Columbia are fair and equitable to all concerned. If you look at the tables that have been placed in the record, that have been produced before the committee, you will find that those tables show that practically the sales, and all of the available data from the sales, show that the tax assessment has equaled, if not exceeded, the proceeds from the sales.

You will also find that based on the tax assessment and on the tax rate as established by law, that the citizens of Washington are paying an equal if not a larger amount per capita than the citizens of most any other city of any of the States of the Union. Now, in our State of Rhode Island our assessors are sworn to assess the property according to its true fair market value, but as a matter of fact they do not. As a matter of fact they assess it as low as 50 per cent, and in some cases lower. Our State tax is based upon our total assessment, and it is to the interest of the cities and towns to keep the assessment low in order to avoid the high State assessment. It has been the tendency throughout our cities and towns to keep the assessment down and the rate up. And so it has been demonstrated by the tables that have been furnished before our committee from a disinterested source, by Mr. Grogan, of the Census Bureau, that whereas in many cities and towns throughout the United States the State law requires the full fair cash value to be assessed that the tax was anywhere from 25 to 80 per cent, and not according to a true fair cash value. Therefore it seems to me that as this whole attack upon this present half-and-half system in the District here is founded upon a misunderstanding, upon the supposition that the taxpayers of the District of Columbia were not paying their full tax burden and were not sustaining their proper proportion as between the United States and the District, and as that has been absolutely demonstrated to my mind and the mind of many of the members of this committee to be wrong, that we ought not at this time to pass this bill to do away with that. As I understand the attitude of the citizens of this District they want to be sure of something definite. Now, if we are going to wipe away something that has been on the statute books of the United States for the last 40 years, we ought not to wipe that away unless we can show something better, and we ought to have a definite arrangement between the United States and the District in order that this great national city of ours may develop. Now, it has been said here there is a surplus of $4,000,000 in the Treasury. That $4,000,000 has not been taken from the taxpayers of the District, but it is money that the United States should have appropriated from year to year over the past 40 years. It seems to me that is a very small amount for that time, since 1878.

Mr. JUUL. I would like to ask the gentleman a question; will the gentleman yield?

Mr. BURDICK. I will yield.

Mr. JUUL. Does the gentleman maintain that there is an obligation on the part of the United States Government to appropriate money to pay for purely local matters?

Mr. BURDICK. Purely local matters?

Mr. JUUL. Yes.

Mr. BURDICK. I do not call anything that goes on with regard to the maintenance of the District of Columbia as a purely local matter; I call it a national matter.

Mr. JUUL. Does the gentleman maintain that if some real estate men start a new subdivision in Washington it is part of the business of the National Government for your State and my State to put down pavements, sewers, and furnish water?

Mr. BURDICK. No; I do not maintain and have not so maintained——

Mr. JUUL. But the gentleman advocates 50 cents on the dollar for such improvements all right.

Mr. BURDICK. I do not maintain that the United States Government should develop private property, and I do not understand that it so does; but I do maintain that the United States should pay a fair proportion of all the expenses of maintaining the government of the District of Columbia, and I do maintain that there are many things here in the District of Columbia that need attention and need large sums of money expended in the development, not only of waterworks that has been referred to, but schools, the fire department, and so forth.

Mr. JUUL. How does the gentleman get waterworks in his town——

Mr. BURDICK. In my particular city——

Mr. JUUL. Your people pay for that?

Mr. BURDICK. In my particular city it is run by a private corporation and not by the city. But this unexpended balance that has accumulated in the Treasury is not an indication that the money is not needed here. We need here in the District more schools; we need a better system of waterworks; we need a better fire department; we need more attention to our streets, and there are various ways in which double the amount which is now raised by taxation can be well and economically spent, because this is the national city, and it ought to be the model city of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMITH of Illinois having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (S. 3317) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1726) granting pensions and increases of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SMOOT, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 484. An act to provide for the erection of a Federal office building on the site acquired for the Subtreasury in St. Louis, Mo.; and

H. R. 7752. An act relating to detached service of officers of the Regular Army.

EXPENSES OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. GOULD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. ZIHLMAN].

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, the majority membership of the Committee on the District of Columbia in reporting this bill, which is to abolish the present fiscal arrangement between the Government and the District of Columbia, which arrangement has been in successful operation since 1878, base their reasons for the passage of this bill upon two propositions.

One is that there has grown up, because of the present system of the District of Columbia collecting one half of the expenses of the District government and the Federal Government contributing the other half, a surplus in the Treasury of the United States to the credit of the District; and, second, that property in the District of Columbia is very much underassessed.

Now, in reference to the first proposition, it is inevitable under the present system that there should be a surplus in the Treasury, because the District Commissioners are prohibited by the act of 1909 from submitting estimates to Congress in excess of the revenues of the District, and when these estimates are cut by the Appropriation Committee the money goes into the Federal Treasury as a surplus.

The present assessable basis for taxation purposes yields an annual revenue of some $9,000,000, and under the present law the Federal Government appropriates a like sum, making a total revenue for the District for the ensuing year of $18,000,000, in round figures.

The Commissioners of the District state in their annual report that when they were preparing their estimates to the Congress for the ensuing fiscal year they made material reductions in the estimates submitted to them, and they made no estimates for increase in salaries, because that matter was being considered by the Joint Commission for Reclassification of Salaries, and when the total of these reduced estimates was reached the revenue needs of the District for the ensuing fiscal year were $22,865,676, yet, because of the limitation of the law above referred to, it was found necessary to reduce them to $18,000,000 plus.

These estimates therefore fall short of the actual needs of the District by $4,623,670, although there is at this time a surplus of District revenues, made up of accumulations over a period of years, of $4,063,922.

Now, if the District Commissioners had not been prohibited by the act of 1909 from submitting the actual revenue needs of the District to the Appropriation Committee, they would have submitted estimates of $22,000,000 plus, and if the present bill is enacted into law at this time, and the Appropriation Committee was to allow the actual needs of the District, the Government's share of expenses under these estimated revenues would be $13,000,000, in round figures, and the contribution of the District to the expenses of the government would only be $9,000,000, so that under the present plan proposed by the Mapes bill the expenses of conducting the business of the District of Columbia would be $4,000,000 in excess of what we will contribute because of the limitation above referred to.

The surplus, upon which so much stress has been laid by the gentleman from Michigan [Mr. MAPES], has grown up over a series of years. The money is not in the District treasury; it is in the Treasury of the United States. It is true it is credited to the District, but the District Commissioners can not use this money until authority is given by Congress to do so.

Now, there have been no estimates made, no figures given, as to the surplus for this year, the fiscal year ending June 30, 1920. I have just talked with the clerk of the Committee on Appropriations and he informs me that owing to numerous deficiency appropriations which must be made during the balance of the present fiscal year there is hardly a possibility of there being a cent of surplus during the present year. And the very efficient clerk to that committee also advises me that if the revenues of the District during the coming year are sufficient to pay the expenses of conducting the District government, the people of the District are going to be mighty lucky.

Therefore, what reason can be advanced for the passage of this bill at this time?

The system proposed, under which Congress can appropriate liberally during one year and meagerly or parsimoniously during another year, was tried unsuccessfully in the District for more than 70 years.

And the wise statesmen who framed the organic act for the District of Columbia, believing that the people of the United States wished to contribute liberally to the upkeep and upbuilding and beautification of their Nation's Capital, decreed by law that the Government should contribute one-half, or 50 per cent.

Mr. JUUL. Will the gentleman yield there?

Mr. ZIHLMAN. I yield.

Mr. JUUL. I want to know if the gentleman thinks it is fair and just to the country and the other cities of the country that one-half should be paid out of the National Treasury if that one-half reduces much more than what the Government ought to pay in taxes if it was a taxpayer?

Mr. ZIHLMAN. I have stated to the gentleman that the revenues of the District and the contribution of the Federal Government are not going to be sufficient during the coming fiscal year to meet the actual needs and expenses of the Government, as I have just read from a report of the commissioners.

Mr. JUUL. May I just ask the gentleman is there anything constitutional or religious in the 1½ per cent? Out in my town and in yours if 1½ per cent does not pay revenue enough they raise it to 6.

Mr. ZIHLMAN. I will say to the gentleman there is nothing to prohibit Congress in its wisdom raising the tax rate which is fixed by law in the District of Columbia at any time without the passage of the pending bill. If the rate is not sufficient, let us raise the rate. But the estimates made by the District Commissioners are in excess of $22,000,000. The actual revenues from all property taxed in the District are, in round figures, $9,000,000. If the Government contributes 50 per cent, an equal amount, the actual revenues of the District are going to be during the coming fiscal year $18,000,000. Therefore the needs of the District are to-day $4,000,000 in excess of the revenues, even taking into consideration the $9,000,000 contributed from the Federal Treasury for the upbuilding, beautification, and maintenance of the Nation's Capital.

It is well known that because of this limitation, because the District Commissioners are restricted in their estimates to the acual revenues of the District, or one-half of the actual revenues of the District, they are unable to provide in their Book of Estimates for the very necessary school improvements. It has been stated in the daily press of this city, and a report was made by a committee representing the Washington Board of Trade, that the school conditions of the District of Columbia at the present time are a disgrace to this city and the Nation.

Mr. JUUL. Can not we levy more taxes?

Mr. ZIHLMAN. Congress can increase the tax rate of 1902 at any time.

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Maryland yield?

Mr. ZIHLMAN. I do not think the gentleman's questions are relevant, and therefore I decline to yield further.

It is well known that money is needed for necessary highway improvements. The District Commissioners in their report state that the highways leading out into the States should at least be kept up in as good a condition as the highways of the neighboring States. And I heard a gentleman say the other day, one who is not at all interested in this subject, and who knew nothing about it coming up here to-day, that you can tell the moment you hit the District line, coming in from the State of Maryland, by the condition of the roads.

The District Commissioners have outlined a very elaborate plan of park improvements here in the District which they are unable to carry forward or to undertake at this time because of insufficient revenues.

There is need for a greatly augmented street and highway improvement program; there should be prompt provision for modern bridges, as set forth in the District Commissioners' report, where existing structures are not fitted to carry the burdens of modern traffic; and there is need for modern equipment and accommodations for the several refuse disposal systems, which have greatly come under the direct supervision of the District government.

Increases in the personnel of the police department as well as in the salaries of its members are made imperative by the growth of the city; the fire department needs not only better salaries, but it should be expanded by the provision of additional fire houses in newly built-up sections of the city, and, above all, it should be modernized by the substitution of motor equipment for horse-drawn apparatus; all of which is covered on page 6 of the report of the Commissioners of the District of Columbia.

They also point out that funds are urgently needed that the Commissioners may proceed with the construction of the Gal-

linger Municipal Hospital, and should be placed in operation as soon as it is humanly possible.

Money is needed for the care of the feeble-minded, and for a new institution to take the place of the antiquated Industrial Home School.

It is necessary, according to the Commissioners, and the engineers of the War Department, that there should be plans developed for an additonal water supply, as the District is to-day using the safe maximum capacity of the present conduit.

A bill providing for the investigation of this subject has already passed the House and is now on the calendar of the Senate.

Now, there is another very important matter that should be considered in this connection, and that is that a great majority of the employees of the District are receiving the same rate of compensation that they received in 1874.

There are 934 employees in the District government who receive less than $1,000 per year; 166 of them only receive $600 per year; 43 receive less than $700 per year; 111 receive less than $800 per year and more than $700; and 247 of them receive between $800 and $900 per year.

These are men on the statutory pay roll, and, in addition to these, there are a great many per diem employees who receive less than is paid in other branches of the Federal Government.

The Congress of the United States has appointed a commission to investigate this matter. The time under which they can make their report has been extended 60 days. No estimate has been made by the District Commissioners providing for an increase in their compensation, which must be given in order to enable them to live.

The Congress, through its proper functioning committee, has regulated and conducted the affairs of the District of Columbia in a most satisfactory manner, and there is no necessity of abolishing the present system, which has been in operation for more than 30 years, and substituting a method of raising revenues which has been found unsatisfactory and discarded.

The very able chairman of the committee—and I call attention to this fact to illustrate the haphazard and reckless method by which the committee attempts to strike down the present system and set up in its stead a new system—makes a report, and on page 3 of that report it is stated that in 1922 the bonded indebtedness of the District of Columbia is going to be paid off, and that there is going to be an additional surplus in that year of $487,704.

It is a far-seeing financier and statesman who can so accurately figure out a surplus which will occur in 1922, in the face of the rapidly mounting cost of materials and the mounting cost of government, and if the predictions which have been made as to the successful operation of the plans provided for in the present bill are no more definite than the statements contained in this report, then I make the prophecy that in a very few years Congress will be glad to restore the present system.

Therefore the matter of the surplus is inevitable under the present system. The District Commissioners are prohibited by law from submitting estimates of their actual needs, and can only submit estimates equal to the revenues, and as Congress is bound to cut down these estimates in various particulars, a surplus is the inevitable result.

Congress should appropriate the existing surplus to meet some of the pressing needs of the District, and the limitation as provided in the act of 1909 should be repealed, as recommended in the District Commissioner's annual report.

Now, as to the statements which have been made as to the undervaluation of property in the District, I find that in 1889 the total assessable basis of land and improvements in the District of Columbia was $115,000,000 plus. In 1919 it was $414,000,000 plus, so that there has been an increase in the assessable basis of the District in the past 29 years of nearly 300 per cent.

In the figures which have been submitted by the District Assessor's office I find a table of sales which have been made in the downtown or business section of Washington, which is the best barometer of values and actual values and assessments in any community.

In 1916 the consideration of the sales in this section of the ctiy were $3,481,650, while the basis of assessment, which is the full value, taxes being paid on two-thirds of this amount, was $4,280,268. In 1917 the consideration of sales in the business section was $4,105,353, while the basis of assessment was $4,502,190. In 1918 the consideration of sales was $5,102,880, while the basis for assessment was $5,144,776. In 1919 it reached $13,507,667 in the matter of considerations, and the basis of assessment was $13,394,569. The total consideration for sales in the four years was $26,197,550 and the basis of assessment $27,321,803.

The Southern Building, at Fifteenth and H Streets, was assessed for $1,794,540, and the consideration of the sale in 1919 was $1,800,000. The site of the Cosmus Club, at 21 Madison Place, was assessed at $269,250, and the consideration of the sale was $250,000. The Washington Hotel site, at Pennsylvania Avenue and Fifteenth Street, was assessed for $960,000 and sold for $800,000 in 1916. The Ames Building, in the 1400 block on G Street, was assessed for $193,230 and sold for $155,000. The Y. M. C. A. Building, on F Street, was assessed for $286,940 and sold for $250,000. The Lawrence Building, on G Street, was assessed for $382,160 and sold for $332,500.

I venture the assertion that in no other city in the country will the assessment reach the proportion of the sales price as here shown.

The assessor's office has also submitted transfers made in 1916 and the assessments as of that date, which show that the assessments total more than the consideration given.

Since 1916 we have entered the war, and resident property has doubled and trebled in value, and it is impossible for the assessor's office to accurately determine the cash value.

A great deal has been said here to-day about the low rate of taxation in the city, and, in view of the fact that each city has its own methods and own laws governing the assessment of property, this would hardly seem a fair standard in determining property values in the District of Columbia, where one-third of the real estate is owned by the Government.

Taking the cities of 30,000 and over which are near the city of Washington we find that the per capita receipts for all taxes in Baltimore, Md., is $21.05; Norfolk, Va., $21.03; Roanoke, Va., $12.87; Wilmington, Del., $11.56; and in Washington, D. C., $23.79. These figures are taken from the United States census report.

The per capita property tax levies in 1918 show that Baltimore made a per capita tax levy of $20.02; New Orleans, $14.91; Chicago, $22.48; Cleveland, $26.28; Indianapolis, $17.13; Louisville, $17.02; Grand Rapids, $16.93; and Nashville, $10.58.

When it is considered that one-third of Washington's population is colored, and that a great element of this colored population are comparatively poor, it would seem that the assessable basis in Washington and the taxes paid compare favorably with the amounts levied and collected in like cities.

The needs of the District are many and pressing, and if the present rate, which was fixed in 1902, is not sufficient to meet these needs it should be increased in order that Washington, the Capital of a Nation of more than a hundred million people, may continue to be a source of pride to the people of a great Nation.

Above all things, the citizens of the District are entitled to more, whether the Government is going to contribute to the maintenance of the District; and if so, as to what percentage the Federal Government will contribute, and it should not be left to the whim or caprice of each succeeding Congress.

The CHAIRMAN (Mr. COOPER). The time of the gentleman from Maryland has expired.

Mr. GOULD. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. WOODS].

Mr. MAPES. I also yield 15 minutes to the gentleman from Virginia [Mr. WOODS], with the understanding that he intends to yield to other Members on his side.

The CHAIRMAN. The gentleman from Virginia [Mr. WOODS] is recognized for 30 minutes.

Mr. WOODS of Virginia. I yield seven minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I came to Congress seven years ago. I got on the "town council" by accident when I got here and stayed. I have read everything that I have heard these gentlemen say in opposition to this bill, when it was published in the papers the first year I got here. It is an absolute waste of good white paper for gentlemen to extend their remarks in the RECORD, because all they have said was in the Evening Star yesterday and the day before and the day before that. It has all appeared in the Star and the Post and the other papers every time a measure has been before this Congress that sought to abolish the sacred "hahf-and-hahf." I hope you notice how it is pronounced. Some of you have made the mistake of calling it "haf-and-haf." [Laughter.]

The gentleman from Illinois [Mr. WILLIAMS] said that all his people, if I understood him correctly, were perjurers when they swore that their property was assessed at 50 per cent. He said it was really assessed at 8 per cent. Of course, that does not apply to the gentleman's own property. I presume he has some property to assess. But this does not deal with the question of the rate of taxation. That is not really involved in this bill. I should like to say this: Every man on this floor who pays his taxes in his own city and pays taxes here pays twice as much on the same valuation of property in his home city as he pays here, and I shall pause to let anybody rise and deny that who may wish to do so. I have paid taxes in two

jurisdictions myself, and I know. Yet there is not another place anywhere in the United States where the advantages are so great as they are here. The rate of taxation in my home town, a place of about 12,000 people, an ordinary town of that kind and size, is three times as high as it is here and the advantages are not a third as great.

These gentlemen talk to you about the vast areas of the Government's property in the District of Columbia. Practically every foot of that land consists of highly developed parks, which the people here have been relieved of the expense of acquiring and improving. Now, who of you would think of complaining if somebody would donate to your city a beautiful park like Rock Creek Park? Yet they want to charge the people living in every town and village and on every farm and ranch in America, levy tribute upon them to help maintain Rock Creek Park, because they say it is Government property, although it is exclusively enjoyed by the people who live here or who happen to be temporarily residing here.

Just in passing, the gentleman from Illinois [Mr. WILLIAMS] was talking about the rate of taxation and that the people of the District of Columbia were overtaxed. I do not know about that. I know that if the property is worth anything like the rent that they charge for it, it is not assessed at 5 cents on a dollar of its actual value. I have been a renter occasionally myself, and I know that. And if I am not mistaken the rate of increase in taxation in the District of Columbia has been only 4 per cent in six years.

Mr. ROWE. Six per cent.

Mr. CARAWAY. Six per cent. Yet the value on real estate has increased more than 100 per cent in that time.

Therefore if they were assessed 75 per cent four years ago, they are not assessed 35 per cent now and everybody knows it.

But I am going to make this assertion, that the Government ought not to contribute one 5-cent piece to the maintenance of local improvements in the District of Columbia. [Applause.] It ought to keep up its own property and it ought not to do anything more. There is not a city in America that would not be glad to duplicate every improvement that the Government has in the District of Columbia, give the Government a free title to it and exempt it from any contribution to local improvements, and then be the gainer by getting the Government's activities. The Government is the greatest employer and it has the greatest pay roll of any institution in the world, and it makes the prosperity of the District of Columbia. Yet they say that it is a great burden for them to carry. There are counties in my State where more than 50 per cent of all the land in the county is in a Government forest reserve, growing timber in order that the people in the District of Columbia and in your State and in every other State in this Union may have lumber. Yet the Government does not contribute 5 cents toward maintaining the local government in those counties, and the people owning the 50 per cent of the property must bear all this expense. Yet the forests make no local returns, the people there get no advantage you do not enjoy with them. It does not furnish employment, it does not maintain a pay roll or increase the prosperity of the people living near it. It is simply maintained for the benefit of all the people, and if I should introduce a bill to-day asking you to pay half the expenses of those counties you would not vote for it. The gentleman from Illinois [Mr. WILLIAMS] would not do it. The gentleman from Maryland [Mr. ZIHLMAN] would not do it, and these other gentlemen who spoke here would not vote to pay 5 cents of the expenses of the local government there, although the Government of the United States owns one-half of all the taxable property in the county if it were listed for taxation. There are States in this Union where the Government owns nearly 90 per cent of all the lands in the State, and yet the other 10 per cent in value and area are required to keep up all the expenses of the State, county, and municipal governments, and these reserves add nothing to the local revenues at all. If there is a man here who will say that he will vote for a bill to pay 90 per cent of the expenses of those local governments, because 90 per cent of the property in those States belongs to the Government of the United States, I wish that man would stand up and say so. And yet, if you are not willing to do that, you are not willing to do exact justice under similar conditions. For instance, the people in the District of Columbia. [Applause.]

Mr. WOODS of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, I have appeared before the House a great many times in the discussion of this question, and I can not add anything to what I have already said. To the membership of the House who have kept up with the discussion this bill is a very simple one. It does not attempt, as explained by the chairman of the committee, to change the rate of taxation, it does not attempt to change the basis or the rule of valuation of property. It simply provides that the money collected for the District of Columbia under the present rule of assessment, under the present rate of taxation, shall be first used before the Federal Treasury responds toward its part of the expenses of the District of Columbia.

Now, in the short time that is allotted to me I can not go into all the details; but the amount of money which the Federal Government responds to in the maintenance of this government does not all appear in the District of Columbia appropriation bill. There is more than a million dollars included in the legislative, executive, and judicial appropriation bill, in the sundry civil bill, and in the deficiency bills. Of course, the items in the deficiency bills are items that appear in the legislative and the sundry civil, where there has not been enough money appropriated to conduct the activities.

Gentlemen, when you understand the history of this legislation, when you go back to that time when the District of Columbia was overwhelmingly involved in debt, when there was something like 50,000 or 60,000 people in the District, when they owed between forty and fifty million dollars, you will know that the time had come when the bonds issued under the existing government were about to mature and they were having great difficulty in having the bonds refunded. The government was so corrupt that it was a stench in the nostrils of the American people.

Congress regarded itself as responsible because the State of Maryland and the State of Virginia had ceded to the National Government the sovereignty over this little spot called the District of Columbia; and when the Government of the United States felt that it did not want to be troubled with local government it had passed an enabling act for the District of Columbia to run its own affairs. When the Government found itself confronted with the proposition that this was not a decent and safe place for people to live in, that it was a place where they would steal all the property belonging to the District, as was argued by Mr. Blaine in the Senate and Mr. Blackburn in the House, who went into all the details in discussing this question, it was proposed that the Federal Government should assume the payment of the indebtedness of the Distirct of Columbia, and they issued what is known as the 3.65 bonds. That is, they would take over the government, collect all the money, and guarantee the payment of that enormous debt. By the way, in 1922 that debt will be liquidated, for the Federal Treasury responded not only to the half of the forty-odd million dollars but in addition the Federal Government responded in its half of the interest.

Now, the District of Columbia, in that dire condition where they could not pay the debt without an overwhelming taxation that would amount to confiscation, under that condition the Federal Government, in order to relieve the burden then on the taxpayers, passed this 50-50 proposition. And yet you will find these gentlemen who have been enjoying that benefit for nearly 50 years say that this is a sacred right. Gentlemen, I deny that. Under that system they have greatly reduced the rate of taxation in the District of Columbia, until the last legislative act provided that there should be only 15 mills tax on a two-thirds valuation, which is the same as 1 mill on a full valuation. The newspapers are beginning in a mild method to say that the rate of taxation should be reduced in the District of Columbia because the District of Columbia pays more taxes than it ought to pay.

Gentlemen, I make this statement after one year's investigation. I wrote to all the cities of 150,000 inhabitants and over, and I say without hesitation that, with the State and county taxation, those people pay over two and a half, three, and in a few instances nearly four times as much as they pay in the District of Columbia. No juggling of figures can change that fact. If you want to find out—I shall not call names—but certain newspapers in the city of Washington contend that the difference is in the assessed valuation. I went to some gentlemen of the House, some Members of the House and some outside, and asked them how much they had invested in the city, and they told me. I asked them how the taxation of property here compared with the taxation at home, and in every instance they said that their home city tax was twice what the whole tax was here, and in addition they had to pay the county and State tax. Now, the county and State tax is all merged into one in the District of Columbia.

This bill is the fairest, in my judgment, that the people of the District of Columbia can ever get. We do not change the rate of taxation nor the rate of assessment. We change no law. We simply say by this bill which is before this House—and the question has been before the House before and was passed first by a large majority, second by a two-thirds, and third by

a great many more than two-thirds. The first time the House was unable to get a roll call, the next time the advocates of the half and half did not even ask for a roll call. There has been only one attempt when it was seriously discussed in the Senate by Senator KENYON and Senator James, the only two men who did discuss it. The vote in the Senate was astounding.

From that date to this they have not dared to submit that matter to the Senate under a fair discussion. Not only that, but in conference—and I am not betraying any secrets, because I made the statement once before in this House—I told the Senate conferees, "If you will make a clear statement in writing, stating your reasons for adhering to the half-and-half plan, I will take that written statement of fact to the House of Representatives and I will read that written statement as your reason and not open my mouth, and simply say to the House that that is the reason upon which the Senate proposes to stand," and the conferees on the part of the Senate declined to make a statement, and no man who knows the facts can go back home to his people and justify this system of taxation. [Applause.]

Now, a word with reference to the people living in the District of Columbia. I told one of those citizens who came to me and asked what measure of taxation they were going to have, that of course we wanted a just and reasonable rate, as the other people throughout the country pay, and I said that that was all that they ought to pay. He replied that this half and half simply fixed the amount, and that it was a protection to the people of the District. I said, "You talk about the half and half, but suppose for the sake of argument that the people of the District of Columbia should find themselves confronted by a Congress that had determined to make Washington one of the most beautiful cities in the world; suppose that they had decided to spend $100,000,000 in the beautification of parks and various portions of the city and called upon you to put up another $100,000,000. It would practically be confiscation, and you would then cry out against the half-and-half plan." I said further to him that it was only because he was paying about half the rate of taxation that the other people pay that he wanted this continued, and suggested that he would better accept the proposition that Congress was now making, because if they do not, if it ever gets to be an issue in congressional districts, my prediction was that there would be many a strange face here, because it is the simple things in Congress that frequently determine the result of elections more often than the large ones. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WOODS of Virginia. Mr. Chairman, I think we all concede, and certainly the majority of the committee concede, and it is their disposition, that the people of the city of Washington should not be taxed more than the people of the country and other cities of similar size. We all believe that the National Capital should be an object of pride—in its upkeep, in its beauty, in its living conditions, in its advantages and opportunities, of every American citizen, and I have seen no disposition manifested on the part of any member of the committee to discriminate or to tolerate discrimination against the National Capital. It is admitted, however, by the citizens' committee opposing this measure that they are taxed 1 per cent on actual valuation. It is actually less than that, but we will take that for the sake of argument. They have marshaled a mass of figures of per capita tax, and different kinds of taxes compared with other cities, but I have only to ask the members of this committee to use their own observation in their own cities, and I will venture to say that in the country over there is hardly a Congressman here who will not say that cities of this size in his State pay an ad valorem tax of at least 2 per cent or practically that. Not only that, but the other cities pay different kinds of taxes which do not prevail here. You pay an income tax and there is none to pay here, for municipal purposes. You pay an inheritance tax in your own State and none here. You pay an occupational tax and there is none here. This ad valorem tax is practically the only tax that the citizens of Washington pay. Take your automobile——

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

Mr. WOODS of Virginia. Yes.

Mr. HUSTED. I have not any doubt that the people of Washington get off very easily, but is there not some merit in the contention that the proportion should be definitely determined, instead of being left up in the air, as I assume it is by the provisions of this bill?

Mr. WOODS of Virginia. I think that would be most desirable, and if the gentleman can tell me an act of Congress can be passed which another Congress can not change, I would be very glad to have him do so. I think the proportion is unfair to the country. I do not think the people of the city of Washington are paying taxes commensurate with the citizens of other cities throughout the country.

Mr. HUSTED. Of course, you can not pass an act of Congress that some other Congress can not change, but it seems to me that it would be desirable for the people of the District who own real estate here to have some idea as to the proportion which the Government will pay and the proportion which the city will pay.

Mr. WOODS of Virginia. That would be desirable.

Mr. HUSTED. It would seem to me a bad thing to leave it up in the air, leave it to some committee to determine each year what it shall be.

Mr. WOODS of Virginia. I take it that if the Congress fixed the proportion that proportion would be maintained for a number of years, certainly until conditions changed. I started to say something about the automobile privilege tax. You know what you pay at your home. You pay only $5 here.

Mr. MANN of Illinois. Oh, more than that.

Mr. WOODS of Virginia. I am not talking about the ad valorem tax.

Mr. ZIHLMAN. I would suggest to the gentleman that he has overlooked the poll tax, such as he pays in Virginia.

Mr. WOODS of Virginia. Yes; and we find it a very helpful thing. It gives us a better electorate. Let us take the intangible tax alone. These gentleman have marshaled here a set of figures to disprove a fact that all of us know when we come to look at the conditions in regard to making up this intangible tax. This intangible tax here for the year 1919 was $880,000. Down in my district in the city of Lynchburg, with a population in 1910 of 29,000 plus—it has increased since—the taxpayers pay an intangible tax of $253,000, and intangibles are taxed at a rate lower—nearly one-third as much as is paid in this wealthy city—than any other property. I think that this submission of figures is a species of legerdemain to disprove a fact. The property owners of the District of Columbia are not paying a tax commensurate with the tax paid by other people. They ought to pay more, according to the privileges they enjoy, and inasmuch as they have no voice in the Government Congress ought to be very careful to see to it that they are not unjustly treated.

Mr. JUUL. Will the gentleman yield?

Mr. WOODS of Virginia. Yes; for the question, because my time is limited.

Mr. JUUL. The gentleman stated they should pay no more than a fair tax. Does not the gentleman think that they should pay a sufficient tax to pay for what is absolutely local?

Mr. WOODS of Virginia. No; I think in view of the fact that a good deal of Government property is not taxed here, in view of the fact we want to maintain this city on a high plane, I think the Federal Government should contribute to the expense.

Mr. JUUL. That is exactly what I said, that the Government should pay that part that the buildings here would justify and the rest should be paid by the city.

Mr. WOODS of Virginia. The city should certainly pay more than it is paying. Mr. Chairman, I yield the residue of my time to the gentleman from Virginia [Mr. SAUNDERS].

The CHAIRMAN. The gentleman from Virginia is recognized for five minutes.

Mr. SAUNDERS of Virginia. Mr. Chairman, I have heard the arguments in reference to the half-and-half proposition during a period now of something like 14 years, but have never heretofore taken any part in the debate. It seems to me, however, that this insistence on the part of the citizens of the city of Washington that they have some sort of moral right to this exact proportion of 50 to 50, is so illogical and so unreasonable that it justifies a few words on my part in opposition to this contention. I understand that some gentlemen have stated that should the House discontinue the present plan of making appropriations for the District they propose to carry the fight into their districts. I would advise them against this course. [Applause.] If the people in the country districts come to a full realization of the meaning of the half-and-half system, namely, that it is such an appropriation of the national funds that it has served to make Washington the Mecca of the tax dodgers, I imagine that the voters will not be slow to rebuke the men who are responsible for the continuance of this unjust and vicious system. [Applause.] Mr. Chairman, that is precisely what Washington is to-day. Men from all over the United States come to this city by reason of the favorable tax conditions that prevail here, as compared with conditions at home.

Mr. MOORE of Virginia. If the gentleman will permit, I would like to suggest this to my colleagues, that perhaps we are talking about one thing here which is taxation, but not legis-

lating about that thing, but, on the other hand, legislating in reference to something else, and that is the matter of proportion.

Mr. SAUNDERS of Virginia. We are legislating in this bill in a way to make possible hereafter a just and adequate system of taxation to meet local needs. Our present complaint is that the United States is called upon to furnish one-half of the money required for purely local necessities. I have in mind a case from Virginia that will illustrate the point I made a few moments ago. A very large property owner in that State from the district represented by my colleague, Mr. WOODS, was required to make a return of his intangible property for taxation. This gentleman had a very small amount of real estate, but a very large fortune otherwise, and the city of Lynchburg saw no reason why he should not pay his taxes on this property, and thereby contribute to the general fund for civic purposes. At the very moment that the city of Lynchburg was preparing to take practical steps to enforce its tax laws against this taxpayer, he hied himself to the city of Washington, where there was no tax on intangibles to vex him, or limit him in the enjoyment of his large estate. He lived here for the balance of his days. What was true of that particular gentleman, is true of very many others who have come here from the various States of the Union to escape local taxation. It is not just to these localities that Washington should offer a comparatively tax-free haven to great wealth. My colleague, Col. WOODS, mentioned various taxes not found here, but which exist in the States, the inheritance tax, the income tax, the poll tax as suggested by the gentleman from Maryland [Mr. ZIHLMAN], and still other taxes paid by the taxpayers at home but not a part of the tax system of Washington. In spite of the fact that all of these taxes are essentially just, and paid elsewhere we are asked to maintain a system which renders these taxes unnecessary, so long as the Nation pays one-half of the sum required for the municipal purposes of Washington. The taxpayers of Washington should be fairly taxed for civic requirements, leaving the Government free to supplement the fund thereby raised, to such an extent as may be deemed proper.

Mr. REED of West Virginia. Where does this bill change that?

Mr. SAUNDERS or Virginia. This bill does not change that at all. But as soon as we change the absolute fifty-fifty relationship, the legislation will follow by which we will impose a just system of taxation. The first thing however to be done is to terminate the present arbitrary and illogical relationship. That is what we propose to do now. Mr. Chairman, I am perfectly agreeable to the proposition that by reason of the fact that the Capital of the Nation is here, we ought to make a contribution out of the Treasury to make this a city beautiful, but I deny that with reference to schools, and other purely local features of the city government, they should be maintained in part out of the national funds. Why should we pay for them? Continually Congress is being upbraided by the newspapers of this Capital, for not increasing the pay of the policemen, for not increasing the pay of the firemen, for not increasing the pay of the school-teachers. Discontinue the arbitrary and unjust fifty-fifty plan, and then the people who desire increases in these directions, can be taxed to provide the funds necessary. The money required, will appropriately be provided by the very people who insist that these increases should be made.

Mr. FOCHT. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. I do not know that I have any time remaining. If the gentleman will give me half a minute, I will try to answer his question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOULD. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANDREWS of Nebraska. Mr. Chairman, I consider it a privilege as well as the duty to oppose the passage of this bill. For several years I have followed the course of the propaganda resting behind this proposition. This bill is the direct product of certain ideas that were distilled in the mountain dews of Kentucky. Just why they have now got a home in the State of Michigan I am unable to explain——

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. ANDREWS of Nebraska (continuing). Unless perchance that is the home of the great idealist, Henry Ford.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes; for a question.

Mr. ROBSION of Kentucky. To what does the gentleman refer?

Mr. ANDREWS of Nebraska. I refer to the fourth Kentucky district.

Mr. ROBSION of Kentucky. Well, that is all right.

Mr. ANDREWS of Nebraska. Certainly it is; the gentleman recognizes the history and the story.

Mr. Chairman, when this discussion was commenced some eight or nine years ago, I noted that many allegations were made that marked dishonesty had been practiced against the United States in the final settlements between the District of Columbia and the Federal Government under the law of 1878. I turned to the files of my office in the Treasury and drew up the accounts to which those charges related. I called for the clerk that made the examinations. I went through the story and reached the conclusion that the charges were untrue. Very soon after that the Secretary of the Treasury directed a reexamination of that question, and the decision of the chief law officer of the department sustained my conclusion in relation to it.

Now, I want to say that, so far as the Treasury is concerned, so far as the expenses of the District may be concerned, that I do not see any grave danger in the surplus to which the majority report refers. When I read that report and noted the uneasiness of mind with which the chairman penned those lines it occurred to me that he must have been the campaign manager of the national campaign of 1884, charging that a surplus in the Treasury was a national menace. Here we meet again with a surplus of $4,063,000, a great menace to the District, a great menace to the taxpayers of the Nation! Why do we have that surplus of $4,063,000? Simply because, and only because, Congress has refused to appropriate the required amount of money to take that portion out along with other moneys to pay the bills estimated for by the Commissioners of the District of Columbia.

Mr. BLANTON. Will the gentleman yield?

Mr. ANDREWS of Nebraska. I will yield.

Mr. BLANTON. I will tell the gentleman why it is there. It is because $4,063,000 has been taken out of the people's pockets and put into the Treasury.

Mr. ANDREWS of Nebraska. Here is the answer, and I want the gentleman to notice: Beginning with 1910, including 1920 and the years intervening, on the District bill alone the commissioners asked for $22,640,000 more than Congress appropriated. There is the reason, and that is the only reason. Necessary improvements were refused from year to year. The public schools have suffered seriously.

Now, let us turn for a moment to some of the by-products of this propaganda. What are they? When this propaganda commenced many of the people loaning money from the various States to people of moderate means in the District of Columbia who were trying to build moderate homes served notice that the loans would be recalled at maturity. When the loans could not be paid the rates of interest were advanced, so that clerks in the departments drawing moderate salaries, clerks in the stores, and in the shops, and the factories, were compelled to pay increased rates of interest, from 4½ to 5 and 5½ to 6 per cent. It would have been higher than that if the law had not made 6 per cent the maximum. Increased rates of rent followed necessarily. There, Mr. Chairman, is the explanation of the paralysis in the real estate market of the District of Columbia. That answers why there has been no appreciable advance in the real estate market on property sold in the major part of the District of Columbia.

Now, I have heard men directly responsible for this propaganda on the floor of this House talk against profiteering, when, as a matter of fact, the propaganda initiated and promulgated by those very men have taken from the pockets of people of moderate means millions upon millions of dollars in the District. I know these things, because I was right in the midst of the men and the women who had to meet them. That is the actual result of this vicious propaganda. That is one reason why I consider it a privilege and a duty to vote against this bill. We should have something fixed and definite, as we were supposed to have before this propaganda began.

Turn for a moment to the early history of the Nation and the founding of the Capital here. Read the words of George Washington, Alexander Hamilton, Thomas Jefferson. What was the idea of building the National Capital on a small tract of ground? What was logically involved in the plan? That plan directly involved the necessity on the part of the General Government to provide for the expenses of its own National Capital. There was no other course available. It was absolutely unquestioned. Washington and Hamilton and Jefferson saw growing up on a small section of land a National Capital of dignity and power, commensurate with the dignity of the American Republic. How could it be provided for outside of the National Treasury? On this basis I assert this proposition, that it is, Mr. Chairman, the primary duty of the Federal Government to support the National Capital. [Applause.] Mark you, that principle is in-

volved in the original idea. But in the development of the plan under the law now in force, who is it that does the work? The President of the United States and the Senate furnish the Commissioners of the District of Columbia. Through executive power of the Federal Government the District government is created. The Commissioners of the District of Columbia, the judges of the courts, the policemen on the streets, the school board, and the teachers in the public schools are the representatives of the Federal Government of the United States. They are not the representatives of the people who live permanently in the District of Columbia, because no one votes here. There are no elections here, the government being under the direct control of the President and Congress. The President appoints the principal executive and court officials and Congress enacts the laws, including what are commonly called city ordinances. Presidents, members of Cabinets, Senators, Congressmen, officers, and clerks in the departments go home to their respective States to vote, just as though the District of Columbia, including Washington, were a part of each voting precinct in the United States. For that reason it is the duty of the Federal Government to support the government it has created to manage and control affairs in the District of Columbia.

But the people who come into the District and hold property here should help the Federal Government pay the bills. Now, I want to call attention to this fact. We should reverse our ordinary method of reasoning. Frequently it is said that the Government should help the people of the District finance the enterprise. Not so. The people of the District should help the Federal Government finance the enterprise; and if $1.50 on each $100 will not meet the needs of the National Capital, make the rate still higher until it does. And let the Federal Government and the people of the Nation and of the District of Columbia stand side by side and furnish the money to do the work.

How much have we heard, even from the chairman of the committee, in regard to the improvement of our schools? Scarcely a word. Who uses the schools? The children of the Members of Congress, of Senators, and clerks in the departments. Uncle Sam does business here. His people and his servants are the ones that receive the largest benefits. But let the property located here come side by side with the needs of the District. Develop the water system as it ought to be; develop the schools as they ought to be developed. And, my friends, upon that basis the present law will not furnish us any more money than we need. I doubt whether it will furnish enough. If I were voting for a change in existing law and conditions, I would say advance the rate of taxation and let the Federal Government meet it, and put in the water system, enlarge your schools, until the National Capital shall stand as a model to the nations of the world in education, in beauty, in attractiveness everywhere. And if we reverse this little by-play in mathematical gymnastics in trying to prove something and hitting nothing we will get somewhere in the advancement of the great work of the National Capital.

Mr. Chairman, I yield back the rest of my time. [Applause.]

Mr. MAPES. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. HENRY T. RAINEY].

Mr. HENRY T. RAINEY. Mr. Chairman, I have never until now participated on the floor in these discussions over the half-and-half proposition. But five years ago I served on the Joint Committee on Fiscal Relations to investigate this subject. We deliberated nearly all summer of the year 1915 and the major portion of the fall. We took nearly 2,000 pages of testimony and prepared and signed and presented a unanimous report on the subject to the House of Representatives and to the Senate. My colleague from Illinois [Mr. WILLIAMS], with the diligence which always characterizes him in everything he undertakes, copies portions of that report in which it appears that the members of the joint commission said:

> The annual tax rate in Washington is approximately $16 per capita.
> In the judgment of your committee this is a reasonable tax levy at this time, especially when we consider, as we must, that a large proportion of the population here pays but a small amount of taxes imposed.
> We find from the evidence of fair-minded men, residents of Washington, familiar with real-estate values in general, that the present assessment of real estate for taxation is fair and reasonable.

This portion of that report is quoted as a reason why this bill should not pass.

Mr. WILLIAMS. Mr. Chairman, will my colleague yield?

Mr. HENRY T. RAINEY. Yes.

Mr. WILLIAMS. That portion is quoted to disprove the statement that the citizens of the District of Columbia are undertaxed.

Mr. HENRY T. RAINEY. Yes. The three Senators on the joint commission are no longer Members of that body. The only members of that joint commission are Judge GARD, of Ohio, and myself. He will confirm what I am now prepared to say, that although the investigation was ex parte in character, and we heard the gentlemen who principally represented the District of Columbia and presented matters from their viewpoint, every member of that joint commission reached the conclusion that the half-and-half proposition ought to be repealed. In our report, which was prepared by the gentleman from Ohio [Mr. GARD]—every word of it was written by him, and he will confirm what I say—we recommended in the report the very legislation which is now pending before this House.

Now, I note also—and I have not much time—that my colleague from Illinois, Mr. WILLIAMS, quotes from Gov. Blackburn, of Kentucky, referring to a speech he made on May 7, 1878, speaking in the House in favor of the half-and-half bill, and he correctly quotes from his speech. Gov. Blackburn at that time was chairman of the Committee on the District of Columbia and prepared that half-and-half bill. He himself drew this measure which is called the fundamental law of the District on the subject, and he spoke in its favor, and largely on account of the fight he made his bill was written into the law.

Now, Gov. Blackburn appeared before our committee in 1915, 37 years after he made this speech. When he appeared he was a member of the Lincoln Memorial Commission, residing here in the city of Washington. Gov. Blackburn on that occasion, in 1915, referring to the subject, said—and what Gov. Blackburn thought about it in 1915 is of more value now than the argument he used in 1878:

> The status of 1878 no longer exists here now. For that reason I believe that the time has come to abolish the 50 per cent division of expenses between the private property holders and the Federal Government.

I am reading from page 1426 of Document No. 247, Sixty-fourth Congress, first session.

> If the half-and-half division of the expenditures was fair in 1878, it certainly is not fair now.
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> * * * * * * *
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> There are other reasons that commend themselves to my judgment. I do not believe that the Federal Government ought to be in a business partnership with anybody. I do not think it comports with the dignity of a nation of 100,000,000 people to maintain a business partnership with those who pay taxes in the District.
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> * * * * * * *
>
> I do not believe that any man should be benefited by or penalized because of his living in the Capital City. * * *
>
> I believe that that partnership ought to be dissolved. The law of 1878 has stood the test of experience for more than one-third of a century. It has lasted longer than I thought it would endure at the time of its enactment. * * *
>
> I have no regrets to express and no apology to offer for the act of 1878. For 36 years it has answered the purposes of those who framed it and answered those purposes well, I think; but I think the time has come now when a different condition should obtain.

And then Col. Worthington, representing the District organizations, called his attention to this very speech, a portion of which my colleague has embodied in this report, and Gov. Blackburn said:

> I repeat every word of that now, and indorse every word of it now. I have stated to the joint committee that at that time I believed that the act of 1878 was the best solution that could then be had. I am satisfied beyond all peradventure of doubt that that conclusion was correct; more than the act of 1878 got could not have been passed through the two Houses. If conditions as to holdings of real estate in the District of Columbia were to-day what they were 36 years ago, I would still insist that the equal division of municipal expenditures was approximately fair between the Federal Government and the private taxpayer.

Gov. Blackburn—and this was among his last official acts before his death—appeared before our committee and asked that the act of which he was the father, which he had succeeded in getting through Congress, should be repealed.

I think his opinion in 1915 is worthy now of more serious consideration than his opinion in 1878 should now receive. The citizens of the District of Columbia ought to pay as much in taxes to-day as they would pay for public purposes if they lived in any other city with similar surroundings; and they ought to pay that much, no matter how much the Government pays, and they ought to pay no more than that, no matter how much the Government pays. This city belongs to the people of this Nation. It does not belong to those who happen to live here. It does not belong to the Government employees who live here. It is a national city, created for the purpose of being a national city, and created originally in order that it might be maintained without any form of local government; and since Congress conclusively took charge of the affairs of this city, it has been the best-governed city in the United States. When it tried to govern itself, after the act of 1871, there were scandals greater than any other city of this country ever developed, and after three years of attempting to govern itself in the early seventies it came out with a debt of over $25,000,000, which the Government was compelled practically to assume and guarantee, and the National Government has been paying half of it ever since,

and the Government would have to pay all of it, of course, if the District did not pay half of it.

I am not one of those who think that the taxpayers who live here in the District of Columbia ought to pay all the expenses of maintaining this beautiful Capital.

This city ought to be maintained as the most beautiful capital in the world. The people who live here ought not to be required to pay all the expense of maintaining its broad boulevards, its magnificent park systems, its hundreds of miles of sewers, but they ought to be required to pay as much as they would pay in other cities similar in population. Of course, there is no city in the United States, no city in the world, that will afford to the people who live within its boundaries the cultural opportunities, the educational opportunities, the social opportunities, open to the people who live here in this great Capital of this great Nation. But it is not too much to require them to pay what they would pay on the property they own here if they lived in Newark, N. J., or New Orleans, La., the two cities which in population most nearly approximate the city of Washington.

If the citizens who live here pay as much as they would pay if they lived elsewhere, or in the cities I have mentioned, we ought not to attempt to maintain this beautiful Capital on the amount they contribute, and there is not the slightest danger that any attempt of that kind will be made. This is a national city and Congress will appropriate always whatever balance is needed. In order to indicate what I mean when I say that the conditions in no other city will apply to the conditions here, I might call attention to the fact that just a few years ago when we had here in Washington a windstorm, which many of you will remember, and which blew down trees all over the city, I obtained figures at that time as to the number of trees destroyed. They were hardly missed when the débris was cleared away, and there are no marks of that storm now. There were as many trees destroyed in that storm as there are in any other city in the world.

Washington is not a large city, but we have here more square yards of asphalt paving than they have in the neighboring city of Baltimore, which is one of the great cities of the country. We have here more miles of sewers than they have in Baltimore. I present these facts to show how impossible it is to expect the people who live here to bear all the expenses of maintaining this city. The newspapers of Washington seem to think that some such movement as that is ultimately contemplated. Many of the citizens of Washington seem to think that this legislation would be the first step in that direction. But let me say to the citizens of Washington and to the newspapers of Washington they need have no such fears. This city belongs as much to the people who live in Illinois as it does to the people who happen to live here. The people of this country, without any assistance or suggestions from that portion of the population which lives in Washington, will maintain their Capital as the greatest capital of the greatest Nation in the world ought to be maintained.

For a long time there have been many Members of Congress who have been compelled to face in their elections the charge that they have voted to appropriate out of money contributed by the taxpayers from their districts funds for moving ashes and garbage from the back doors of residents in the city of Washington and that they are compelled to help maintain million-dollar high schools here; that they are compelled to help maintain here great manual-training schools. As a matter of fact, all of you know the fallacy of an argument like that, but the time has come to stop it. Members of Congress ought to be compelled no longer to face this charge, and the only way to relieve the membership of this burden is to abolish this half-and-half proposition, by which the National Government contributes one-half the expenses of maintaining this Capital.

The history of the support by the Federal Government of the National Capital is interesting. The capital was located here in Washington in order that the affairs of the District might be administered by Members of Congress and not by any local government. Delegates to the Constitutional Convention—many of them—had been Members of the Congress which in 1783 was compelled by a riotous mob of Revolutionary soldiers to move the capital of the United States from Philadelphia, Pa., to Princeton, N. J., after the governor of Pennsylvania had assured them that his State militia would not be able to cope with the disciplined veterans of the War of the Revolution. As the result of the experience Congress had in 1783 in Philadelphia it was easy to place in the fundamental law of the land the provision for this District. President Washington was authorized to lay out the city here where it is. He required the landowners—there were 19 or 20 of them, I think, who owned the site of the original city of Washington—to deed to him the 6,111 acres upon which the city was built. After laying out the city streets and the alleys and the avenues, and after laying out the lots, George Washington deeded back to the former owners 10,136 lots, that number being one-half of the total number of lots laid out. The people who lived here at that time were anxious to undertake the burden of a national city. They knew that here was to be located the greatest business in the world, the business of conducting this great Government, with its tens of thousands of employees, and they did maintain the city—it was not an expensive proposition to maintain the city in those days—until early in the last century, when the first considerable municipal improvement was undertaken, and this improvement consisted in the building of a "path from the President's house to Georgetown."

My recollection is that the Federal Government paid one-half of that expense, and from that time on the Federal Government has contributed to the support of the District perhaps as much as the Federal Government ought to have contributed. From 1790 to 1835 it cost about $5,500,000 to pay the municipal expenses of the District of Columbia. During that period of time the Government contributed about one-half of this amount, but during 22 years of that time the Government made no contribution at all; in fact, during that period of time no contribution was requested by the citizens who lived here; but in 1835 the city had developed to such an extent that maintaining it was a burden the citizens who lived here ought not to be compelled to sustain. They appealed then to Congress and from that time on a large contribution was made by the Federal Government. Contributions were made when the Federal Government deemed contributions were necessary and they were usually made when the citizens demanded contributions.

But in 1871 under Gen. Grant's administration, when an era of good feeling was commencing following the Civil War, and when there were steps taken to restore the rights of citizenship of Southern States, it was considered opportune to give the District of Columbia local self-government and under the suggestion of the Grant administration a governor was appointed for the District of Columbia, and a legislative body was established, composed of 22 members, half of that number being appointed by the citizens of the District and the other half appointed by the President. As the result of this local self-government in three years of time the city was plunged into debt to the amount of $25,000,000, a debt which amounted to $150 per capita for the people who happened to live here, and this was $30 per capita more than the debt of any other city in the United States. The Government was compelled to take away from the city its self-governing organization and to resume again the burdens of governing this city, and from that time on the city of Washington has been the best governed city in the world. The scandals of the Shepherd administration, from 1871 to 1873, are still remembered. No other city ever experienced anything like it. It is not likely that the District of Columbia will be again self-governing. Self-government for this city is an impossibility for the simple reason that they depend too much upon the Treasury of the United States. The Government will not permit its Capital to incur debts which it will not pay, and for that reason the civic restraints which govern citizens of other cities will never prevail here. In 1878 the organic act was passed providing that the Government pay half and the citizens pay half of the expenses of maintaining this city upon the theory at that time that the Government owned in value perhaps one-half of the property, but the Government built its own buildings and the Government maintained its own buildings. The Government provided the magnificent grounds which surround these buildings, and the Government maintained these grounds. The Government polices its own buildings and the grounds about them, and these items are not included as a part of municipal expenses. The Government will be discharging its full duty to the National Capital if after the people who live here pay the taxes they ought to pay—the taxes they would pay if they lived in other cities of similar size—the Government pays the balance, whatever it may be, whether that balance be more than the citizens pay or less than the citizens pay. From 1835 to 1870 it cost to maintain the National Capital, in round numbers, $20,000,000, of which amount the citizens contributed $5,000,000 more than was contibuted by the Federal Government, and this was about the proportion the citizens ought to have contributed during that period of time.

The argument usually made by the newspapers published here and by the citizens who live here in favor of the half-and-half proposition is that the city did not become a great and beautiful city until after the Government fixed the exact ratio of 50–50 in the matter of paying expenses. They say that from 1878 to the present time the greatest growth and the greatest development in the Capital occurred. Of course, the fact they state is true, but it is a fact that every city in the Union, including even the old cities of the East, much older than Washington, made the greatest growth and development after 1878. During that period of time street railways abandoned the old system of horse cars and attained their present comfort in the

matter of transit. During that period of time electricity came into use. During that period of time gardens and parks made their greatest development. During that period of time, I remember that the city of Chicago was entirely rebuilt, even the buildings in that great city were torn down and renewed. There is nothing in this argument. There is no alchemy in the half-and-half proposition which insures to this city its continued development in beauty and in every other thing which makes a city magnificent and great. The citizens of Washington take themselves too seriously. The editorial staffs of Washington newspapers take themselves too seriously. Men who favor a continuance of this illogical half-and-half proposition will have their pictures printed on the front pages of Washington newspapers indefinitely in the future. Their names will appear in the front page headlines after this discussion is over. Those of us who stand for a more logical system expect nothing of this kind. So far as I am concerned in the future I expect to vote for those appropriations from the Federal Treasury needed to maintain the magnificence of this Capital city, and I expect at all times to vote to compel taxpayers who live here to pay as much as they would pay on their property if they lived in any other city of similar size.

The Federal Government assumed the payment of one-half of the indebtedness contracted by the Shepherd government in the city of Washington and the Government has been paying one-half of the sums paid on that account ever since. The bonds issued at that time—the 3.65 bonds—are not yet paid. Nine hundred and seventy-five thousand dollars will be paid this year on those bonds; $975,000 will be paid next year, and $975,000 will be paid in the fiscal year of 1922, and when the 1922 payment is made the bonds will all be paid. This will release the citizens of Washington from paying one-half every year of the $975,000. The citizens who live here have nothing of which to complain. They have been treated fairly and liberally by the Federal Government. We have paid one-half of the debt contracted by the District during the three years it was a self-governing city, and it is to be hoped it will never be a self-governing city again. After the citizens have paid the taxes they ought to pay, Congress will pay what balance is necessary. The Federal Government ought to do that much; it ought not to do more than that.

I am surprised that the half-and-half proposition receives at this time so much support in this body. It never before received support similar to the support given it now. Nearly one-half the members of the District Committee have signed the minority report. We have been appropriating so many billions of dollars during the war that the conscience of Congress in the matter of appropriations may be blunted to a certain degree, but I will be surprised indeed if the proposition of the committee to abandon the half-and-half proposition and to adopt a logical plan does not again pass this House. As far as I am concerned, I expect to vote for the committee bill.

Mr. FOCHT. Mr. Chairman and gentlemen, for many years as a member of the Committee on the District of Columbia I have listened to arguments for and against this half-and-half method of taxation, until finally, when the bill was reported to the House by the vote of the committee, I am constrained to believe that as the years go by the arguments become more confounding and confusing instead of enlightening. The bill came here with nine names attached to what was called a minority report, which, in fact, was a majority report against any change. As for myself, I might say to the several gentlemen who talked about going home to your constituents and facing them on this little proposition of taxation in Washington, or the District of Columbia, that I have been to see those folks many times, and I expect to go to see them many times in the future, and I want to say to those gentlemen that those very people are glad indeed that there is some inducement for people to come to live in Washington, even if residents are given a small shade of reduction in taxation. They are proud of their great Capital city. They are willing that it shall be beautified; that there shall be better accommodations here; that it may become an example to the whole world; that we may have that good government here spoken of a minute ago.

Mr. SAUNDERS of Virginia. Will my friend yield?

Mr. FOCHT. Briefly.

Mr. SAUNDERS of Virginia. Is this city going to be beautified by bringing tax dodgers here?

Mr. FOCHT. They can not dodge taxes when they have property here. It is your fault and mine if we do not get them. But you will not get them under this bill, and I will tell you why. If they are half as crooked and venal as they are claimed to be, the best way is to make them pay a definite and fixed amount. I should like to know how you are going to get them under an assessment system, if they control the assessor. You gentlemen are all wise enough to know what happens under an assessment system. You know that the assessment of property is sometimes very much a matter of sentiment, sometimes a matter of judgment and viewpoint, often a matter of necessity. So how are you going to get at it? We do know that when we get the 50 per cent from them we get a fixed and sure amount; but if you are going into this haphazard, indefinite, unbusinesslike proposition which is offered in this bill, you are saying to them, "Give us what you please, what the assessors choose to assess, and we, like easy marks, will give them the balance." That reminds me of how the late Senator Quay once jocularly replied to the importunities of a soliciting promotor. He said, "You go out and see what you can make and I will give you half of it," and that is the way with this sort of a proposition.

This is no time to make the change, anyhow. You see the sentiment of the committee expressed in their negative recommendation on this bill, which ought to be an expression of value. But while the bill may pass the House, it will not pass the body at the other end of this Capitol. With the present disturbed condition of values, especially in Washington, this is no time to tamper with assessments. Anyhow, one thing that we always try to arrive at in a city or county or any division of government is to reach the point where we have ample funds, and certainly we have enough here when they say they have a surplus of $4,000,000, which indicates good housekeeping.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. I yield five minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, the purpose of this bill is to establish complete and ample justice between the residents of the District of Columbia and the taxpaying residents of all the cities of the American Union and to clear away the most marked feature of special privilege which exists on the statute books to-day. There has been a singular unanimity of every board and of all persons who have had occasion to investigate this matter, until now we come to the carrying out, by the language of this bill, of the action of chairmen of Committees on Appropriations, Messrs. Fitzgerald, Sherley, and GOOD, and the action of chairmen of the District of Columbia Committee, Messrs. JOHNSON and MAPES, and of the report of the Fiscal Relations Commission of 1915, of whom there are two members now in the House and who vouch for what that means. It is the carrying out of what this District of Columbia Committee has done in the last two or three weeks, and of the action of this House of Representatives seven times repeated, which has declared that this fictitious principle of the so-called half and half is absolutely no longer necessary and should not be tolerated upon the statute books of the United States.

Now, the Fiscal Relations Commission found—and the House has followed their finding a number of times—that it was impossible to determine whether 20 per cent or 30 per cent or 40 per cent or 50 per cent was an adequate contribution by the General Government, but they found, and found justly, that the people here should pay a fair and reasonable tax upon their taxable property, and that beyond that every cent necessary to maintain this Capital as the model city not alone of the United States but of the world should be made up by the General Government. That is the report of the Fiscal Relations Commission; that is the plan that I think should be followed; and that is what is applied here. Now, the last time we considered it we found there was an immense surplus credited to the funds of the District of Columbia standing unexpended, useless for any municipal purpose, over $4,000,000 of the people's money lying idle. No State, no municipality anywhere except here in the District of Columbia, has any such fund of the people's money lying idle. When we sought to avoid that, we were told that it is all a matter of bookkeeping; that it would not be appropriated, anyhow. But now we find by this publication issued yesterday in the District of Columbia, where the gentleman from New York [Mr. GOULD]—by adoption, I believe—takes on a statement. We find that there should be two things, one that the law of limitation should be removed, and the other that the surplus should be expended. This is the development that everybody anticipated. We were told that the surplus was a matter of bookkeeping; that it did not amount to anything; and now here we find as the entering wedge the two things, remove the limitation on appropriations, throw open wide the door to estimates no matter how radical or useless, and, more than that, spend the $4,000,000—no matter what you spend it for, but get rid of it; it belongs to the people of the United States; take it from the Treasury and spend it; throw it to the winds so that we will not be charged with having a surplus. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOULD. Mr. Chairman, I yield the balance of my time to the gentleman from Missouri [Mr. HAYS].

Mr. HAYS. Mr. Chairman, the bill under consideration proposes to abolish the half-and-half system by which the people of Washington and the Federal Treasury contribute equal amounts to the maintenance of the District government. The method of establishing and governing the city of Washington and the District of Columbia is unique in comparison with the history of any other national capital. Here the scheme and plan for a Federal seat of government was conceived and drafted long before the city became a reality. In all of the older nations the capitals were established in existing cities, but in the United States the Capital was first designed and the city followed.

The preliminary steps to create a national reserve for the seat of government were taken in 1778, when the Congress was in session in the city of Philadelphia. Thereafter followed such legislation and consummation of plans as resulted in laying off the District of Columbia separate and apart from the jurisdiction of any of the sovereign States in America. In the year 1800 the offices and departments of our National Government were duly established in the city of Washington and within the District of Columbia. Two years later the city itself was incorporated. From the time the seat of government was established here down to the year 1878 there was no fixed and determined understanding between the people of the Nation and the people of the District of Columbia as to what portion each should bear in meeting the expenses of municipal development and maintenance. During all of those years the people submitted to a burden of heavy taxation, and all of the money so paid was spent for public improvement purposes. The tax money was supplemented by sporadic appropriations by Congress. Some years Congress appropriated much, some years it appropriated little, and some years it appropriated nothing at all. The results of that uncertain situation were disastrous in the extreme. The city government became heavily involved in debt; municipal bankruptcy was threatened. With all their abundant outlay of cash, the streets were dilapidated and municipal progress was halted. Property values fluctuated with the varying uncertainty of tax levies. Public spirit was in a chaotic condition and municipal progress had stopped. Congress at last realized the impending calamity and appointed a commission to ascertain the facts and define the causes and to suggest a legislative remedy. Many months of hard labor by the wisest men of the Nation was given to this task, and when their report was made it was followed by the enactment of what is known as the organic act of July, 1878, which provided a new form of government for the District of Columbia and the city of Washington. That organic law provided, among other reforms, that the expense of maintaining the municipal government should be divided half and half between taxation against the citizens of the District and appropriations from the Treasury of the United States.

During all preceding years the tax money paid out by the people of the District in developing a Capital for the whole United States had exceeded the amount of money contributed by the Government for that purpose to the extent of more than $9,000,000. Since that time, however, the District and the Government have been matching dollars in meeting that expense.

The proponents of the pending bill propose to abolish the half-and-half provision without substituting anything better in its place. The natural result of the passage of this bill would be a reversion to the unsettled conditions formerly prevailing with all the attendant uncertainty as to the amount of taxation, the comprehensiveness of the improvements, and the whim and caprice of varying congressional appropriations.

In all of the hearings held on this bill and in the arguments submitted by its advocates the whole fight seems to be bottomed on the theory that the people of Washington are not taxed as heavily as the citizens of certain other municipalities in the United States. That general statement may be true, although the facts do not seem to bear it out. But whether it is true or not is unimportant, because it does not involve the fundamental principle to which we should look in settling this controversy.

If it be true that Washington citizens pay less taxes than the people of other cities, remember that this is not a commercial city; that it is not maintained by mines or factories, or farming interests, or shipping facilities, or any of the other peculiarly local conditions that build up cities of their own accord. If it be true that these citizens bear light tax burdens, it is also true that in no other city of America is so large a proportion of the most valuable real estate entirely excluded from responding to any tax whatever. If it be true that they pay less tax, it is also true that what they do pay is expended for the benefit of the whole Nation as well as for themselves. In every other American city the taxes are paid for purely local benefit, but here the taxes are largely paid for the national benefit.

If it be true that they pay less taxes, it is also true that they receive less in return for what they pay. In every other city of America the people who pay taxes for governmental purposes enjoy the right of administering their own government according to their own will. They determine through appropriate representation how the taxes they pay shall be expended. When we remember the impositions practiced upon the colonies before the days of the Revolution, and when we remember that the unjust burden of taxation without representation was one of the primary causes of the birth of this infant Republic, it seems to be the very irony of fate that this city, which is presumed to typify in its magnificence the soul of Americanism, should be the only spot in the Nation subject to taxation without representation.

The people of Washington and the District of Columbia have no voice in choosing the people who make their laws; they have no part in framing those laws; they are not consulted as to who shall be the officers to enforce their laws; they do not determine the amount of their own taxation; and they are utterly helpless in determining how their tax money shall be spent. Congress makes all the laws for the District of Columbia, and the officers and boards appointed by the President administer those laws. The people of the District have no vote in determining the Membership in Congress nor in electing the President.

I am not concerned about the relative rate of taxation in Washington and in other cities. Whether these people pay a higher tax rate or a lower tax rate than the people of Cincinnati, or San Francisco, or New Orleans, or Detroit, is neither here nor there in determining the fundamental problem in hand. That comparison is irrelevant and immaterial and far afield from the real issue involved here.

One important question is: Who is benefited by the money that is spent in maintaining the Capital City of the Nation? The obvious answer must be that the benefits accrue to the inhabitants of Washington on one hand and to the citizens of the Nation on the other hand. To determine the respective needs of these two bodies of people in that behalf reaches the real crux of this inquiry. Consider, if you please, the relative disadvantages they would suffer without such expenditures. If the streets are neglected, if the parks become unsightly, if the water supply is cut off, if fire protection fails, if the police organization ceases to function, would not the calamity to the whole body of the American public be vastly greater than the mere inconvenience suffered by the population of this city? Then, gentlemen, it is but reasonable that the Government should bear at least an equal portion of the expense incurred in the upkeep of these municipal requirements so important to our national welfare.

Another important fact that should not be forgotten is that the Government has made necessary a much heavier maintenance account than is the case in the average American city. The splendid magnificence of the District as laid out by Gen. Washington, with its broad thoroughfares, with its graceful parks and squares and circles, require improvements of such expense and elegance as to harmonize with the artistic scheme upon which the city has been planned.

It costs large sums to pave the wide streets; ornate bridges are required; and everything must be on a larger and more extensive scale than elsewhere to conform to the artistic dignity of a city designed with national pride for the home of our Federal Government. And remember, the people of Washington have no voice in saying whether these things will be so or not. These expenses were determined for us in plans approved more than a century ago and handed down to us as a mandate from the founders of this Federal City.

Justice and equity demand that the people of the Nation should join with the people of the District in meeting the expense of maintaining the Capital City in ratable proportion to their respective needs. Certainly it can not be said that our National Government has less interest in its only established and permanent home than has a changing resident population.

The District of Columbia is primarily the seat of government for the United States; the growth and development of a great municipality within the District was a probable and a necessary incident; but Washington as a city is secondary in importance to Washington as a Capital. The Federal Government is not located in the city of Washington for the benefit of the citizens of this city; the Federal Government is located here for the benefit of the whole people of the United States.

In the ordinary city the interest of the people of that city is the supreme purpose of its municipal existence; but in the case of our Federal seat of government the place is primarily

a capital and only incidentally a city. The magnitude of the plan of the city of Washington, with the number and the length and width of its thoroughfares to be built and maintained, imposes a burden vastly greater than a city planned by local interests would undertake; moreover, the greatness of the improvements as to beauty and expense must be harmonious with the original design, and the cost is vastly more than the ordinary city would afford.

Here is another fact absolutely unique in the history of city building. The seat of government is confined to the present boundary limits of the District of Columbia. Congress itself has no power to extend those limits. In other municipalities the amount of taxable real estate increases in area with the extension of city boundaries, but the very reverse is true in the District of Columbia. The Federal Constitution prevents an increase in acreage; but it grants to Congress, regardless of the will of the local people, the right to reduce the amount of that acreage for the purposes of taxation. Year by year more and more of this land is purchased or condemned by Congress, and is laid off for public highways and taken for public parks and building grounds. Every acre so taken reduces the source of tax production, and at the same time it increases the need of money for the upkeep of the city and the District.

When these facts are fairly considered it seems just and reasonable that the United States should bear at least half of the burden of development and upkeep in the District of Columbia. Moreover, for the sake of quietude and certainty on the part of the Government, as well as on the part of the District, the relative proportions of the money to be paid for this purpose should remain definitely fixed by law. Therefore, Mr. Chairman, I oppose the passage of this bill. [Applause.]

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, in five minutes one can not discuss the real merits of the pending measure. Gentlemen say they are not concerned with regard to the relative amount of taxes that the taxpayers of the city of Washington shall pay into the Treasury for the support of the city, and yet, as a business proposition, that is all that this bill is to do. The city of Washington to-day has an indebtedness of about $3,000,000, and under the sinking fund requirements that debt will be all paid in 1922. There is not another city in the United States anywhere that can show a financial condition to compare with that.

This matter has been before the House for several years, and about every time it has been before the House two-thirds of the membership have been in favor of repealing the law and in favor of a proposition such as that carried in the pending bill. It seems to me that the measure is entirely fair. It ought to be fair to the District of Columbia. We ought not to enact any legislation that is unfair, and those who would claim that Members who favor this legislation are inclined to be unfair to the District I think are misstating the question altogether.

Mr. LONGWORTH. Would the passage of this bill of itself increase the taxes of the citizens of the District?

Mr. GOOD. It would not of itself. It might make it necessary to increase the taxes, and I am not sure but what it should. In my city, a town of less than 50,000, I have to pay taxes at the rate of more than 2 per cent upon a fair cash valuation of my property. I think our rate is about the experience in other cities of that size and larger. Here we assess the property at two-thirds of its valuation, and the actual assessment figures out about 1 per cent of the actual value. It seems to me, in all justice to the property owners here, that it will not be treating them unfairly, enjoying all the benefits of what I believe is destined to be the greatest city in America in many respects, if we require them to pay a tax equal to that paid by people in other cities. I believe Washington is destined in many respects to be the center of great activities; it is destined to become the center of art, literature, and science in the United States. It is recognized as the political center. I believe it is destined to be that, but I do not believe that Washington is soon to be the city it is destined to become if we do not change this method of taxation. The sooner we change this system, the better for Washington. I think our schoolhouses in Washington do not measure up to the requirements and needs of the city. The character of buildings on Pennsylvania Avenue would be a disgrace to a town of 10,000 people, and yet they continue, and will continue, until we adopt a business plan of taxing the city of Washington. Adopt a business plan, adopt the same plan that other cities adopt, and let property, whether it is Government property or other property, bear its just proportion of carrying on the activities of the city, and I think you will see a more healthy growth in the city of Washington. Those who are opposing this legislation in 10 or 20 years from now will acknowledge the fact that it is bottomed upon good business principles and will mean more for the growth of Washington than any legislation that Congress could possibly pass.

Mr. MAPES. Mr. Chairman, I yield the remainder of my time to the gentleman from Wyoming [Mr. MONDELL].

Mr. CRISP. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Georgia makes the point of order that there is no quorum present. The Chair will count.

Mr. CRISP (interrupting the count). Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Chairman, Washington has been called the most beautiful city in the world. I have not traveled abroad, so I can not from personal knowledge say that Washington is the most beatiful city in the world, but I do know that as the Capital of this great Republic it is destined to be the most beautiful city in the world. It was excellently planned, and while its builders have not followed the original plan intelligently at all times, we are gradually coming back to the old plan, and eventually this city will be developed in a manner in keeping with the might and majesty and strength of the Republic. I have never met a Member of Congress who was not kindly disposed toward the Capital of the United States. I have never known one who remained here for any length of time who was not enthusiastic with regard to its development and anxious to do what he could to promote its growth along the finest and best lines.

Some years ago conditions arose in the city of Washington under which it became necessary for the Federal Government to come to the relief of the inhabitants of the city. A local government, unfortunately administered, had plunged the city into debt in the sum of about $150 per capita. There was no possible way to meet this indebtedness, and to insure the growth and development of the city otherwise than by the aid of the Federal Government and the Federal Treasury. A plan was adopted under which the Federal Government was to contribute one-half of the expenses of the city. It was a good plan, it was a sound plan, at the time and under conditions then existing. For some time the Federal contribution was scarcely enough; it was difficult to pay the debt, to provide for the administration of the city, and to extend its streets as they were needed with the 50 per cent contribution made by the Government. But gradually conditions changed, the debt was steadily reduced, and is now almost extinguished, and the city has grown wonderfully; great wealth has been brought here from the ends of the Union, and conditions are such and will continue to be such that a contribution of 50 per cent toward the running expenses of the city by the Federal Government is not necessary. It has not been necessary for a number of years past. The old plan has outlived its usefulness. While good and useful at the time adopted, it no longer fits the conditions. It is neither fair to the people of the country generally nor is it fair to the District of Columbia that there should be this fixed one-half contribution from the Federal Treasury. The plan that is proposed is fair, equitable, reasonable. Under it the people of the District will contribute a reasonable sum to the maintenance of their Government, and all the amount needed to run the District government and meet the District needs over and above that fair contribution is to be paid out of the Federal Treasury. As a matter of fact, it is exactly what we have been doing in the past. It is what we are doing now.

Mr. WILLIAMS. Then why change it?

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. There is no such thing as a District of Columbia fund or a District of Columbia treasury.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURPHY. Will the gentleman explain to the House on what he bases the assumption that future Congresses will be more generous when they have no such sum to draw from than the present Congress is with the $4,000,000 that belongs to the people of the Nation to be spent on their Capital City, which remains in the Treasury?

Mr. MONDELL. I was not talking about generosity or lack of generosity of the Congress to the District of Columbia. I take it for granted that the Congress will always be generous to the District; but I say that it is not fair to the taxpayers of the district which my friend represents to say to them, "You shall help pay half toward the maintenance of the government in the District of Columbia, whether that sum is needed or not."

Mr. Chairman, this is not a question of the rate of taxation in the District of Columbia, though one might judge it to be so from the argument that certain gentlemen make. I have expressed no opinion with regard to the present assessment or tax rates, because that is a matter not necessarily involved in this discussion. Years ago when the question of the fiscal relations of the District with the Federal Government were discussed I did not favor a change from the half-and-half rule because, while I believed we we were reaching a period when the old rule was not equitable, I was not certain what rule should be adopted. I gave the matter considerable thought and study, and I was for a time of the opinion that while the half-and-half rule no longer provided a fair apportionment of expenditure there should be some definite rule of apportionment; but as time has passed I have changed my mind in regard to that and have come to the conclusion that it is impossible to fix any hard and fast rule of division of expenditure and that the plan now proposed is not only fair and equitable but that it is the only workable plan.

I think our experience in dealing with the District in the matter of appropriations for the last few years makes it very clear that the present rule or plan is not sound. We have appropriated all that should have been appropriated under the circumstances, and yet up to the 1st of last July the District revenues have exceeded one-half of the appropriations by over $4,000,000. As a matter of fact, we have not been following the half-and-half plan.

I am in hopes that before long conditions will justify considerably increased expenditures by the District government and we may reach a condition where for a time the appropriations are equal to or even exceed double the revenues of the District. I for one should not hesitate to vote for a District bill simply because its sum total was double the income of the District, but I do not believe that it is practical or wise to have a hard and fast rule. For one thing, it handicaps the commissioners of the District in making their estimates, which is not fair to the District. Under the rule proposed the limitation which now exists on estimates would naturally be removed. The commissioners would estimate for the needs of the District, the Congress would appropriate such sums as in their opinion were wise, the District funds would flow into the National Treasury as now, and we would be free from the ever-recurrent question as to whether or not the appropriations were double the District revenue; and if not, whether or not there was a sum in the Treasury representing the difference and who it belonged to.

The plan proposed is simple, sane, and sound, and with a Congress disposed to deal with the District fairly, as I believe the Congress always will be, will afford the basis of more harmonious relations between the District and the Congress than now exists.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid, from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and the remainder shall be paid out of the Treasury of the United States: *Provided*, That the amounts to pay the interest and sinking fund on the funded debt of the District of Columbia shall be paid one-half out of the revenues of the said District and one-half out of the Treasury of the United States.

Mr. CRISP. Mr. Chairman, I move to strike out the last word. I can not make any argument in five minutes and neither can I hope to add anything to the splendid presentation of the case made by the chairman of the committee, the gentleman from Michigan [Mr. MAPES]. It seems to me that his argument is conclusive in the matter; but, speaking to my new colleagues, let me say that in the Sixty-third Congress I introduced a bill to repeal this half-and-half law, which was the first bill ever introduced in Congress on that subject. In that Congress the House passed the bill repealing the law, and in each Congress thereafter the House has passed an act repealing the law, but it has been defeated in the Senate. Now, gentlemen of the committee, I believe that the people of the city of Washington pay the lowest tax rate of any city anywhere near the size of the city of Washington in the world. That belief is based upon comparative figures furnished me by an impartial source.

Gentlemen of the committee, you will bear in mind that in Washington there is only one tax levied, which is the city tax. They have no State and county taxes, as we have in all States of the Union. So when they pay one tax that is the only tax they do pay. The figures were furnished me by the United States Census Office, and I used them in a speech here about two years ago; I do not think there has been any change since then, and I will take the liberty of calling the attention of my colleagues to these comparative figures, showing what taxes the citizens of the United States pay in cities of approximately the size of the city of Washington:

	Nominal tax rates.			Total.	Reported basis assessment.	Reported true tax rates.	Rate per hundred.
	City.	County.	State.				
					Per cent.		
Detroit	$19,832	$1,454	$2,204	$23,580	100	$23,580	$2.33
Milwaukee	11,468	3,425	985	15,878	90	14,290	1.62
Cincinnati	11,430	2,959	451	14,840	100	14,840	1.48
Newark	13,700	4,076	2,564	20,400	100	20,400	2.04
New Orleans	22,000	.....	6,450	28,450	75	21,338	2.13
Washington	15,000	.....	.....	15,000	66⅔	10,000	1.09
Minneapolis	23,460	2,950	3,580	29,990	50	14,995	1.49
Jersey City	13,800	5,550	2,590	22,000	100	22,000	2.20
Indianapolis	15,900	2,615	3,185	21,900	60	13,140	1.31
Louisville	17,900	2,800	5,000	25,700	70	17,990	1.73
Atlanta	12,500	.....	5,000	.....	60	.....	.....

I do not think it just to the people of your district and mine that we should continue to pay one-half the operating expenses of the District of Columbia when the property owners here are undertaxed. Some gentleman seems to think it is wickedly wrong to amend this so-called half-and-half act, the act of June 11, 1878, which the people of the District of Columbia delight to call their constitution. Let me say to you, my friends, that law has been amended in several instances, but in every instance the amendment was to lighten the tax burden of the citizens of Washington instead of lightening any of the tax burdens of the people of the United States by reducing the amount appropriated out of the people's treasury as a gratuity to the local taxpayers. When this half-and-half act was passed on June 11, 1878, this provision was in it:

That the rate of taxation on all real and personal property shall be $1.50 per hundred.

(See Stat., vol. 20, p. 105, 45th Cong.)

Under this law the original tax rate on all real and personal property was $1.50 per hundred, and it was levied on property assessed at its full value. On July 1, 1902—Statute, volume 32, pages 616, 618—this half-and-half act was amended, but that amendment was to reduce the tax on local real estate by reducing the assessment basis from the full value to two-thirds of the value, and in addition to that the tax law relating to personal property was amended so as to exempt all intangible personal property—money, stocks, notes, accounts, and so forth—from all taxation. It was taxed under the original half-and-half act. Upon the passage of this act all intangible personal property in the District was exempt from all taxation from that time, July 1, 1902, until this agitation started resulting in remedial legislation in 1916.

September 1, 1916 (Stats., 39, p. 717, 64th Cong.), Congress passed a law putting a tax of four-tenths of 1 per cent on intangible personal property, and that is the law to-day, a mere bagatelle compared to what your constituents pay. Some gentlemen say that if we repeal this law it is not just to the taxpayers of Washington, for they would be uncertain as to what amount of taxes they shall pay. My friends, the amount they will pay is just as certain, just as definitely fixed, if this law is repealed as it is to-day. Under the law as it is to-day the commissioners make their estimates of expenditures, and it is for the Congress to say whether they will approve them, how much the Congress will appropriate, and under the existing law one-half of the amount Congress determines is paid out of taxes from the District and the Federal Government pays the other half of the amount. If you repeal this law, the tax paid by the people of Washington will remain just exactly what it is to-day, $1 on the hundred on real estate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRISP. May I ask for five minutes more?

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CRISP. You see the tax rate is just as fixed, just as certain as it is to-day. Local property owners will pay the tax rate of $1 on real estate and four-tenths on intangible property, just as they do now, and then it will be for the Congress to say what other amount shall be appropriated for the use of the District. This bill clearly works no hardship, no injustice upon the people of the District. Now, in conclusion, in my judgment if this law is repealed it will mean that no inequitable hardship will be imposed upon the people of the District of Columbia, but the people of your district and mine will be relieved of an unjust tax burden that they are now bearing for the people of the District of Columbia. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Add at the end of the page: "*Provided further*, That hereafter there shall be no restrictions on the right of the District Commissioners to estimate the expenses of the District for any fiscal year."

Mr. MAPES. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MADDEN. If the gentleman is going to make the point of order, make it; I do not want any reservation.

Mr. MAPES. I make the point of order.

Mr. MADDEN. What is the point of order? It is not subject to the point of order.

Mr. MAPES. I make the point of order that this amendment is not germane to this bill, which simply provides for the use of money raised by taxation within the District, and can not be amended by an amendment in the nature of that which the gentleman offers.

Mr. BLANTON. Mr. Chairman, I make the further point of order that this bill seeks to amend the present law only in one particular, and the gentleman's amendment seeks to amend it in another particular, which is not germane to the present bill before the House.

Mr. MANN of Illinois. This bill does not seek to amend the law in any particular.

Mr. MADDEN. Mr. Chairman, I do not think either gentleman has stated a reason why this amendment should not be made a part of the bill or submitted to the committee for consideration. The bill itself provides that all appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid from and after July 1, 1920, out of the revenues of the District of Columbia to the extent that such revenues shall be sufficient therefor and the remainder shall be paid out of the Treasury of the United States, and this amendment simply seeks to provide that the District Commissioners shall have the unrestricted right to estimate what the expenses are to be, a function absolutely necessary for the proper conduct of the District government. The mere fact that the expenses are to be paid indicates that they must be estimated for before appropriated.

Mr. BEGG. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. BEGG. The question I would like to ask you and have made clear is, suppose that your amendment is incorporated, then would there be anything to prevent the District Commissioners estimating the expenditures for the year at, say, five times more than the rate of taxation would provide, and would not Congress be obligated at such time to make up whatever deficit they would find?

Mr. MADDEN. There is nothing to prevent the District Commissioners under this provision, if it should become a part of the law, from making any estimates they please, to the extent that they please, for any improvements that might be required legitimately in the District. For example, if we have not schools enough to accommodate the children who happen to live here, they would have a right to estimate for an additional number of schools, and they have been restricted in that right under the law as it now exists. If we have not a sufficient water supply, they would have a right to estimate for the cost of creating a water supply. If we have not a sufficient sewerage system to meet the needs of sanitation in the District, they would have the right to estimate for the cost of that. But it would still be within the power of the Congress of the United States to say what part of the recommendations would be adopted.

It seems to me that the most salutary thing that could be done, Mr. Chairman, is to give the District Commissioners the power to make the estimates for the important and vital needs of the District. And if this is not a part of a law which provides how the money raised shall be expended I do not know what could be a part of the law. If this is subject to a point of order, why, you can not offer an amendment to this bill that would not be subject to a point of order. My judgment is that the one thing most vitally needed in the District to-day is the power sought to be given to the commissioners by the amendment which I have offered.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. MADDEN. Yes; I yield.

Mr. ZIHLMAN. Is not the language of the gentleman's amendment recommended to Congress by the commissioners?

Mr. MADDEN. I do not know. The language I offer is not recommended by anybody. It is from my own fertile brain, and can not, in my judgment, be considered as not germane, as not appropriate, or in any way subject to a point of order.

Mr. MANN of Illinois. I do not recall the exact language of the recent law limiting the authority of the commissioners to make estimates, but I know this, that it contemplates and provides that the estimated expenditures made by the District Commissioners shall not exceed more than twice the estimated amount raised by taxes in the District. So that it is indirectly bound up with the half-and-half proposition. The whole theory of the law in reference to limiting the estimates by the commissioners is based on that proposition, to the effect that the estimates shall not be greater than the amount estimated to be raised by the District as one half and the amount contributed by the Government as the other half.

Now, if that were not the case, I do not think this amendment would be germane to the bill. But that is the whole theory of that provision of the law. It is directly based upon the half-and-half proposition. It seems to me that an amendment to change the provision of the law is germane to a proposition to abolish the half and half, as the two are bound up together.

Mr. SISSON. Mr. Chairman, the gentleman from Illinois is correct as to the rule in reference to the estimates of the District Commissioners. Their estimates shall not be more than double the amount of taxation that is raised by the District of Columbia.

Mr. MANN of Illinois. The estimated amount.

Mr. SISSON. The estimated amount. Therefore the limit of appropriations would be twice the amount of money raised in the District of Columbia.

Mr. MANN of Illinois. You mean the estimates?

Mr. SISSON. Yes.

Mr. MANN of Illinois. Which is all based on the half-and-half plan.

Mr. SISSON. That is true. And if, as a matter of fact, at the end of the year money had actually been appropriated by Congress which exceeded the amount that was raised in the District of Columbia, the District of Columbia, of course, would then be indebted to the Federal Treasury an amount of money over and above this 50 per cent that was raised. But in order that the District Commissioners shall not go beyond that the law provides that the estimates shall not go beyond the amount of money that will be raised under the present half-and-half system—that is, the present rate of taxation.

Mr. MANN of Illinois. And that provision was all based on the half and half?

Mr. SISSON. Yes.

Now, Mr. Chairman, as I understand this amendment, the amount of money that is to be contributed out of the Federal Treasury shall not exceed the amount now paid in the District of Columbia. Now, if that is true, the amendment of the gentleman from Illinois would change the present law, because, as I understand, this bill does not change the present law as to the rate of assessment or as to the method of assessing the property.

The single thing that is done in this bill is to provide that the money raised in the District of Columbia shall first be appropriated toward the payment of whatever amount Congress may appropriate before any money can be paid out of the Federal Treasury.

Now, the amendment offered by the gentleman from Illinois [Mr. MADDEN] fixing the amount that Congress would be obligated to appropriate would, to the extent that his amendment in the future might be binding upon Congress, place the moral obligation upon Congress, to appropriate the amount of money that the District Commissioners might say was needed.

Mr. MADDEN. No; not at all. It simply gives an opportunity, if it becomes a part of the act, for the commissioners to express an opinion as to vital improvements that are necessary in the District, whereas they have not that opportunity now.

Mr. SISSON. I think they do that now, Mr. Chairman. For example, I have this estimate before me now. Last year they asked for money to be appropriated to the extent of something like $19,000,000. We actually appropriated about $15,000,000. This year they ask for more than $19,000,000, and there is more than $1,000,000 in addition to that carried in the sundry civil bill and in the legislative, executive, and judicial bill, which is now pending in our committee. They are asking for over $19,000,000. In these other bills the clerk to the committee told me the amount ran to considerably over $1,000,000, which they are now demanding of the subcommittee of which my friend from Minnesota [Mr. DAVIS] is chairman, and that, together with what is being demanded of the other committee, amounts to over $2,000,000, which is asked for by the District Commissioners.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. SISSON. Yes.
Mr. MADDEN. It may be essential that they should have $20,000,000.
Mr. SISSON. Of course, Congress in the last analysis would be the final judge.
Mr. MADDEN. Surely.
Mr. SISSON. But we are discussing the question of whether the gentleman's amendment changes the existing law. The only change made, as has been contended always with reference to this particular legislation, is the application of the funds collected from the District of Columbia. Therefore all the other law with reference to assessments, with reference to rates of taxation and methods of collecting taxes, remains just as it is now. The only provision is in this law that the money collected first from the District of Columbia shall be expended from the Treasury before any warrants are drawn from the General Treasury of the Federal Government to pay the bills of the District.
Mr. TOWNER. Mr. Chairman, I desire to say one word about the point of order, and it occurs to me that there can be no question but that the point of order is well taken.
In every fiscal arrangement there are two things that are to be considered. One is the question of raising revenues, either by taxation or in some other way.
Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. TOWNER. Yes.
Mr. MADDEN. This does not provide for raising revenue. This provides for appropriating revenue.
Mr. TOWNER. I was just going to try to show that that is the vital difficulty with your amendment. This bill has nothing to do with raising revenue. It has nothing whatever to do with estimates of revenues. It has nothing to do with the method of taxation of the District of Columbia. There is only one thing that this bill does. It provides how these taxes that are collected, these revenues that are provided upon the estimates that are now made, shall be paid. To say now that because we provide a method of payment you can put upon this kind of a bill a proposition also in regard to the manner of raising revenue is certainly not germane to this bill.
There is no question whatever but that this bill has nothing to do with the raising of revenue. It does not change the existing law in any way whatever in regard to the raising of revenue, in regard to the taxation of the District.
Mr. MADDEN. Mr. Chairman, will the gentleman yield again?
Mr. TOWNER. Certainly.
Mr. MADDEN. Does the gentleman contend that the amendment that I have offered has anything to do with the raising of revenue?
Mr. TOWNER. I certainly do.
Mr. MADDEN. It simply estimates how much of the money already raised is to be expended for the District expenses.
Mr. TOWNER. Oh, I think not. The gentleman is still one further removed from the proposition of raising revenue. Estimates are made for the purpose of determining how the revenues shall be raised. The estimates are made by the Commissioners of the District of Columbia for the purpose of basing taxation upon them.
Mr. MADDEN. Mr. Chairman, will the gentleman yield further?
Mr. TOWNER. Yes.
Mr. MADDEN. If I understand the situation, certainly the gentleman must misconceive the purpose of the amendment. The law under which taxes are levied fixes the rate, the method. It is already in existence. This amendment does not seek to amend that law in any respect. This bill deals with the revenues that are already collected under the tax levy, and my amendment provides that in the distribution of the funds already collected under the levy and sought to be appropriated it shall be within the power of the Commissioners of the District to estimate the purposes for which this money shall be expended.
Mr. TOWNER. Yes; and the estimates of how much money shall be expended for any particular purpose have not any reference to the manner in which these funds shall be paid, and the proposition involved in this bill is simply as to how they should be paid. The language of the bill is that—

All appropriations of money to provide for the payment of the expenses of the government of the District of Columbia shall be paid from and after July 1, 1920—

And so forth. It seems to me that anything that has not to do immediately with the method and manner of payment, as expressly provided in this bill, is not germane.
Mr. CRAMTON. Mr. Chairman, I believe that I am in sympathy with the proposition embodied in the amendment offered by the gentleman from Illinois [Mr. MADDEN], but I am not able to see how it is germane to this bill.
It has been suggested by the gentleman from Illinois [Mr. MANN] that the provision with reference to the limitation upon the estimates and the half-and-half principle are so bound up together that one could not exist without the other.
As a matter of fact, the half-and-half principle was in legislation for 30 years before the limitation as to estimates was adopted, and it might very well be that Congress would desire to have the limit remain upon the estimates, even if the bill before us should become a law. The present revenues of the District approximate about $10,000,000 a year. If the present limitation is continued upon the estimates the commissioners can not send to Congress estimates for appropriations for more than $20,000,000. Now, if this bill becomes a law Congress might desire to have that continue to be the case, because under this bill Congress assumes the responsibility of paying what the revenues of this District will not furnish, whatever that amount may be, and we might still desire to put a check upon the estimates of the commissioners. Whether we desire to do so or not will be for Congress to decide. The point I want to make is that the proposition of a limitation upon estimates is not so bound up with the half-and-half principle that neither could exist without the other. Now, as to its being germane to this bill, not being essentially tied up with it, the bill has to do entirely with a function of the Treasury Department in determining to what fund to charge these expenditures after Congress has made the appropriation and the money has been spent, but the amendment has to do with a function of the Commissioners of the District in the estimates they make to Congress as to the amount of money required for the use of the District. It seems to me it deals with another function with reference to District finances. There really are the three functions—first, the estimate of the commissioners; second, the appropriation of the money by Congress; and third, the settlement of the bills by the Treasury Department. Hence it seems to me it is not germane to the bill before us.
The CHAIRMAN. It appears to the Chair to be rather far-fetched to claim that this particular amendment is germane to the bill, which has to do with the appropriation, while the amendment is a limitation on the ability of the commissioners to say what shall be estimated. Consequently the Chair feels impelled to sustain the point of order.
Mr. MAPES. Mr. Chairman, I should like to see if we can arrive at some agreement as to the debate on the bill under the five-minute rule. I ask that the debate on this section and all amendments thereto be limited to 35 minutes, 10 minutes to be used by the gentleman from Illinois [Mr. MADDEN], 5 minutes by the gentleman from Texas [Mr. BLANTON], 5 minutes by the gentleman from Missouri [Mr. RUCKER], 5 minutes by the gentleman from Illinois [Mr. MANN], and 5 minutes by the gentleman from Iowa [Mr. TOWNER], reserving 5 minutes for myself.
Mr. MANN of Illinois. I should like to inquire whether under that provision 30 minutes are to be devoted to debate in favor of the bill and only 5 minutes against it? It is a little strenuous, I think, to close debate so soon on so important a proposition.
Mr. MAPES. Does the gentleman desire any further time?
Mr. MANN of Illinois. I want as much time as you take in favor of the bill.
The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the debate on this particular section and all amendments thereto be limited to 35 minutes.
Mr. MADDEN. I object.
Mr. MANN of Illinois. Mr. Chairman, I move to strike out the last word. I have listened to the arguments presented, and as far as I have been able to gather, the main argument that has been presented in favor of the bill is that the tax rate in the District of Columbia is too low. Gentlemen have said in one breath that the tax rate in the District is too low, but they say, "Holy horror, we are not interfering with it." Well, if the tax rate in the District of Columbia is too low, why do not gentlemen who have made that argument propose to increase the tax rate? If the taxes which are raised are too low, it seems to me the orderly method would be for Congress to provide for increasing them, because they are raised under an act of Congress, and the jurisdiction of the subject matter is in the District of Columbia Committee of the House of Representatives.
Mr. MAPES. Will the gentleman yield?
Mr. MANN of Illinois. I will yield, but I shall want a little more time.
Mr. MAPES. What would be the sense of raising the tax rate and thereby increasing the revenues obtained through

taxation, as long as Congress has adopted the policy of appropriating less than twice what has been raised?

Mr. MANN of Illinois. I supposed somebody would ask that question. That has nothing to do with it. Under the system now in force under the limitation of estimates it is inevitable that there will always be a surplus left over, because we always cut the estimates, and you can not estimate more than the amount that is raised. If the taxes are too low here, they should be raised, and then if there is too much surplus it will be time to dispose of that proposition.

Mr. CRAMTON. Will the gentleman yield?

Mr. MANN of Illinois. I will, but I have not much time, and I hope that gentlemen will not fritter away my time.

Mr. CRAMTON. I have not taken any time so far, and I will not take any of the gentleman's time.

Mr. MANN of Illinois. Now, I think that it may be possible that there should be a difference in the rate from 50-50 to some other rate. I think that there ought to be a fixed relationship between the taxes raised by the people of the District of Columbia toward the expenditures here and the amount contributed out of the General Treasury.

I believe in Washington. I believe it is the duty of the people of the United States to maintain a well-ordered, well-governed, well-provided, beautiful city. [Applause.] It can not be done without paying something out of the Federal Treasury. Under the proposition now pending it will be urged every time an appropriation is proposed in the House of Representatives that all of this money is to be paid out of the Federal Treasury because the amount raised in the District will never be more than enough to pay the undisputed and uncontroverted items, and it will be constantly urged not to appropriate money to help the city along because it will have to be paid out of taxes raised by our people.

I think we ought to maintain a city in Washington, and not on a niggardly plan. I have no doubt whatever that the people of my district pay their proportion of taxes for the benefit of the Capital City of the Nation more freely than they pay any other tax of the Government, and my people pay a considerable proportion of the taxes, a great deal more than many of the States represented in this House. We do not feel niggardly toward Washington. In the old days, when Washington was an old, run-down city, dirty and unkempt, the people were not proud of it. They are proud of it to-day, and a large share of the expenditures in Washington is made because of the great number of your constituents and my constituents who come to this beautiful city to visit it, and no one comes here and goes home who is not prouder of his Government after he has been here than he was before he came. [Applause.]

Mr. MAPES. Mr. Chairman, I move that all debate upon this paragraph and all amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 72, noes 1.

So the motion was agreed to.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the enacting clause of the bill.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: Page 1, strike out lines 1 and 2.

Mr. BANKHEAD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. The motion comes too late. The motion to strike out the enacting clause should be offered before a motion to amend had been concluded.

The CHAIRMAN. The point of order is overruled. The question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken and the Chair announced himself in doubt.

The committee divided; and there were—ayes 37, noes 63.

So the motion to strike out the enacting clause was rejected.

The Clerk read as follows:

SEC. 2. That all acts and parts of acts in so far as they conflict with any of the provisions of this act are hereby repealed.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word. I tried to answer the gentleman from Nebraska [Mr. ANDREWS] when he asked why this $4,063,000 is still in the Treasury. It is in the Treasury because a similar amount of $4,063,000 has been taken out of the pockets of the whole people of this country and has made good that pro tanto part of the taxes of the District of Columbia. The gentleman from West Virginia [Mr. REED] stated that this bill should be defeated and the half-and-half plan continued, because he said the people of France are willing to be taxed to keep up the beauty and grandeur of Paris, that the people of Italy were willing to be taxed to keep up the great city of Rome, and, therefore, that the people of the United States ought to be willing to be taxed to keep up the city of Washington. The people of the United States are perfectly willing to be taxed to keep up the beauty of this great city, but they are not willing to be taxed to pay a great big per cent of the taxes of the people who live in this city of Washington. I want to give you a few facts that the people of the United States, the common people, have begun to realize, and one of them is that there is one city, the expense of which is not borne by the people of that city, and that that is the city of Washington. The expense of every other city is borne by levying a tax upon its inhabitants.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. I am sorry I can not yield now, I have not the time.

Mr. BLANTON. Another thing that the people of the United States know is that while the people of Washington live here and enjoy these magnificent public buildings and the numerous other attractions they do not pay a just proportion of taxation to maintain any great city. They enjoy the beauty of the Congressional Library, they enjoy the splendor of our many public buildings of interest, they enjoy the beauty and enjoyments of the parks, and if you do not believe it, then go out to Rock Creek Park in the summer time, on any afternoon, and you will see thousands of people picnicking there. They enjoy swimming in the Tidal Basin in summer and skating upon it in winter. Go elsewhere in the city and you will see that they enjoy the miles and miles of splendid paved streets and driveways. They enjoy the splendid lighting system and the splendid water system, because we have the best water in the United States at a less rate than anywhere else in the whole United States; and they enjoy the good artificial gas system here, because they do get artificial gas here at as low a rate almost as you do almost anywhere else in the United States.

They enjoy every single benefit imaginable we provide here in the city of Washington. And what is it that they pay in taxes? One dollar on real estate. What do they pay on their intangible personal property? The people of the United States have begun to know, and they do know, that the people in Washington pay the little, pitiful sum of four-tenths of 1 per cent on their intangible personal property, such as stocks, bonds, notes, and so forth, and they do it because we permit them to do it. We sit here and take out of the pockets of the people of the United States the balance to make up their taxes year after year. I am not going to do it any longer. Are you?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAPES. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7158, had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MAPES. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. Mr. Speaker, a division having been had, I make the point of order that there is no quorum present.

Mr. MAPES. Is this on the final passage?

The SPEAKER. Yes; it is on the final passage. The gentleman from Texas makes the point of order that there is no quorum present, and the Chair thinks that no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 209, nays 115, not voting 104, as follows:

YEAS—209.

Almon	Black	Browne	Classon
Ashbrook	Bland, Ind.	Buchanan	Cole
Ayres	Bland, Mo.	Byrns, Tenn.	Collier
Babka	Bland, Va.	Caldwell	Connally
Baer	Blanton	Caraway	Cooper
Bankhead	Boies	Carss	Cramton
Barbour	Box	Carter	Crisp
Barkley	Brand	Casey	Currie, Mich.
Bee	Briggs	Christopherson	Dale
Begg	Brinson	Clark, Mo.	Davis, Minn.

Davis, Tenn.	Hernandez	Mapes	Saunders, Va.
Dempsey	Hersman	Martin	Sears
Dent	Hickey	Merritt	Sells
Dickinson, Mo.	Hicks	Michener	Sherwood
Dickinson, Iowa	Hoch	Miller	Sinclair
Dominick	Hoey	Minahan, N. J.	Sinnott
Donovan	Howard	Monahan, Wis.	Sisson
Doughton	Huddleston	Mondell	Small
Dowell	Hull, Iowa	Mooney	Smith, Mich.
Drane	Hull, Tenn.	Moore, Ohio	Smithwick
Dunbar	Igoe	Mott	Steagall
Dupré	Jacoway	Nelson, Mo.	Steenerson
Echols	James	Nelson, Wis.	Stephens, Miss.
Elliott	Jones, Pa.	Newton, Minn.	Stephens, Ohio
Ellsworth	Jones, Tex.	Newton, Mo.	Stoll
Emerson	Juul	Nolan	Strong, Kans.
Evans, Mont.	Kearns	Ogden	Summers, Wash.
Evans, Nebr.	Kelley, Mich.	Oldfield	Sumners, Tex.
Evans, Nev.	Kelly, Pa.	Oliver	Swope
Fairfield	Kennedy, Iowa	Overstreet	Tague
Ferris	Kettner	Padgett	Taylor, Colo.
Fisher	Kincheloe	Park	Taylor, Tenn.
Foster	Kinkaid	Parrish	Thomas
Frear	Kleczka	Phelan	Tilson
Freeman	Knutson	Purnell	Timberlake
French	Kraus	Quin	Towner
Fuller, Mass.	Lampert	Rainey, Ala.	Upshaw
Gallagher	Lanham	Rainey, H. T.	Venable
Gard	Lankford	Rainey, J. W.	Vestal
Garland	Larsen	Ramseyer	Vinson
Garner	Lazaro	Randall, Calif.	Walsh
Garrett	Lea, Calif.	Randall, Wis.	Weaver
Good	Little	Reavis	Webster
Goodwin, Ark.	Lonergan	Rhodes	Whaley
Graham, Ill.	Longworth	Ricketts	White, Kans.
Green, Iowa	McAndrews	Robinson, N. C.	Wingo
Greene, Vt.	McCulloch	Robsion, Ky.	Woods, Va.
Hardy, Tex.	McFadden	Romjue	Wright
Harreld	McGlennon	Rose	Yates
Hastings	McLane	Rouse	Young, Tex.
Haugen	Major	Rubey	
Hayden	Mann, S. C.	Rucker	
Heflin	Mansfield	Sanford	

NAYS—115.

Ackerman	Fuller, Ill.	McKinley	Shreve
Anderson	Gallivan	McLaughlin, Mich.	Smith, Idaho
Andrews, Nebr.	Glynn	McLaughlin, Nebr.	Smith, Ill.
Anthony	Goodykoontz	MacGregor	Snyder
Bacharach	Gould	Madden	Stevenson
Benham	Greene, Mass.	Magee	Stiness
Benson	Griest	Maher	Sweet
Blackmon	Griffin	Mann, Ill.	Temple
Brooks, Ill.	Hadley	Mead	Tincher
Brooks, Pa.	Hawley	Montague	Tinkham
Burdick	Hays	Moore, Va.	Treadway
Burroughs	Holland	Morgan	Vaile
Butler	Houghton	Mudd	Volstead
Campbell, Kans.	Humphreys	Murphy	Ward
Chindblom	Husted	Neely	Wason
Cleary	Ireland	O'Connell	Watkins
Coady	Jefferis	Olney	Watson
Copley	Johnson, S. Dak.	Osborne	Welling
Crago	Kendall	Paige	Wheeler
Curry, Calif.	Kiess	Parker	White, Me.
Dallinger	King	Peters	Williams
Darrow	Layton	Raker	Wilson, Ill.
Denison	Lee, Ga.	Ramsey	Wilson, Pa.
Dunn	Lehlbach	Reber	Winslow
Dyer	Linthicum	Reed, W. Va.	Wood, Ind.
Esch	Luce	Riordan	Woodyard
Fess	Lufkin	Rodenberg	Young, N. Dak.
Focht	McArthur	Rogers	Zihlman
Fordney	McKinlry	Sanders, N. Y.	

NOT VOTING—104.

Andrews, Md.	Elston	Kreider	Rowan
Aswell	Fields	Langley	Rowe
Bell	Flood	Lesher	Sabath
Booher	Gandy	Luhring	Sanders, Ind.
Bowers	Ganly	McClintic	Sanders, La.
Britten	Godwin, N. C.	McDuffie	Schall
Browning	Goldfogle	McKenzie	Scott
Brumbaugh	Goodall	McKeown	Scully
Burke	Graham, Pa.	McPherson	Siegel
Byrnes, S. C.	Hamill	MacCrate	Sims
Campbell, Pa.	Hamilton	Mason	Slemp
Candler	Hardy, Colo.	Mays	Smith, N. Y.
Cannon	Harrison	Moon	Snell
Cantrill	Hersey	Moores, Ind.	Stedman
Carew	Hill	Morin	Steele
Clark, Fla.	Hudspeth	Nicholls, S. C.	Strong, Pa.
Costello	Hulings	Nichols, Mich.	Sullivan
Crowther	Hutchinson	O'Connor	Taylor, Ark.
Cullen	Johnson, Ky.	Pell	Thompson
Davey	Johnson, Miss.	Platt	Tillman
Dewalt	Johnson, Wash.	Porter	Vare
Dooling	Johnston, N. Y.	Pou	Voigt
Doremus	Kahn	Radcliffe	Walters
Eagan	Keller	Rayburn	Welty
Eagle	Kennedy, R. I.	Reed, N. Y.	Wilson, La.
Edmonds	Kitchin	Riddick	Wise

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. WISE.

Mr. BRITTEN with Mr. WILSON of Louisiana.

Mr. BROWNING with Mr. WELTY.

Mr. BURKE with Mr. TILLMAN.

Mr. CANNON with Mr. TAYLOR of Arkansas.

Mr. COSTELLO with Mr. STEELE.

Mr. CROWTHER with Mr. STEDMAN.

Mr. EDMONDS with Mr. SMITH of New York.

Mr. ELSTON with Mr. SIMS.

Mr. GOODALL with Mr. SCULLY.

Mr. GRAHAM of Pennsylvania with Mr. SANDERS of Louisiana.

Mr. HAMILTON with Mr. ROWAN.

Mr. HERSEY with Mr. POU.

Mr. HILL with Mr. PELL.

Mr. HULINGS with Mr. O'CONNOR.

Mr. JOHNSON of Washington with Mr. MAYS.

Mr. KAHN with Mr. McDUFFIE.

Mr. STRONG of Pennsylvania with Mr. CAREW.

Mr. McPHERSON with Mr. McKEOWN.

Mr. THOMPSON with Mr. CULLEN.

Mr. HUTCHINSON with Mr. DOOLING.

Mr. MORIN with Mr. HERSMAN.

Mr. MOORES of Indiana with Mr. JOHNSON of Kentucky.

Mr. LANGLEY with Mr. JOHNSON of Mississippi.

Mr. KREIDER with Mr. JOHNSTON of New York.

Mr. KENNEDY of Rhode Island with Mr. KITCHIN.

Mr. KELLER with Mr. McCLINTIC.

Mr. HARDY of Colorado with Mr. RAYBURN.

Mr. NICHOLS of Michigan with Mr. HAMILL.

Mr. PLATT with Mr. GODWIN of North Carolina.

Mr. PORTER with Mr. GANLY.

Mr. RADCLIFFE with Mr. GANDY.

Mr. REED of New York with Mr. FLOOD.

Mr. RIDDICK with Mr. FIELDS.

Mr. ROWE with Mr. EAGAN.

Mr. SANDERS of Indiana with Mr. EAGLE.

Mr. SCHALL with Mr. DOREMUS.

Mr. SCOTT with Mr. DEWALT.

Mr. SIEGEL with Mr. DAVEY.

Mr. SLEMP with Mr. CULLEN.

Mr. SNELL with Mr. CANTRILL.

Mr. VARE with Mr. CANDLER.

Mr. VOIGT with Mr. BYRNES of South Carolina.

Mr. LUHRING with Mr. BOOHER.

Mr. MACCRATE with Mr. BELL.

Mr. MASON with Mr. ASWELL.

On this vote:

Mr. HUDSPETH (for Mapes bill) with Mr. CAMPBELL of Pennsylvania (against).

Mr. WALTERS (for Mapes bill) with Mr. BOWERS (against).

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. CRISP. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
January 12, 1920.

Hon. FREDERICK H. GILLETT,
House of Representatives.

MY DEAR MR. SPEAKER: I wish to tender my resignation as a member of the Committee on Pensions. Trusting this may be accepted at once, I am,

Very respectfully, JAMES V. McCLINTIC.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUTCHINSON, for 10 days, on account of important business.

To Mr. ROWAN, for five days, on account of sickness of his son.

To Mr. NICHOLS of Michigan (at the request of Mr. SCOTT), for three days, on account of illness.

To Mr. RHODES, for two days, on account of illness.

To Mr. JOHNSON of Washington (at the request of Mr. HADLEY), for the day, on account of illness.

To Mr. SCOTT (at the request of Mr. MAPES), for two days, on account of illness.

PENSIONS.

Mr. SELLS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 1726, insist on the House amendments, and agree to the conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table a bill, which the Clerk will report, adhere to the amendments of the House, and agree to a conference.

The Clerk read as follows:

A bill (S. 1726) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. SELLS, Mr. KIESS, and Mr. MEAD.

LEAVE TO PRINT.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that those Members of the House who desire to do so shall have five legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. The gentleman from Michigan asks unanimous consent that all Members of the House who desire to do so shall have five legislative days in which to extend their remarks on the bill just passed. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, unless it is restricted to Members' own remarks and not to include newspaper articles and other dissertations, I shall object.

Mr. MAPES. I am perfectly willing to agree to that.

The SPEAKER. With the restriction suggested by the gentleman from Massachusetts [Mr. WALSH], is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3317. An act to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts; to the Committee on the Judiciary.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3175. An act authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Mississippi and Poinsett, and subjecting said lands to taxation.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President, for his approval, the following bills:

H. R. 11025. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River, near Iron Wood Bluff, in Itawamba County, Miss.;

H. R. 10847. An act granting the consent of Congress to Marion County, State of Mississippi, to construct a bridge across the Pearl River, in Marion County, State of Mississippi;

H. R. 10558. An act granting the consent of Congress to the Connecticut River Railroad Co., its lessees, successors, and assigns, to construct a bridge across the Connecticut River in the Commonwealth of Massachusetts;

H. R. 8084. An act granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes;

H. R. 9947. An act to authorize J. L. Anderson and H. M. Duvall to construct a bridge across Great Peedee River at or near the town of Cheraw, S. C.;

H. R. 8661. An act to authorize the Kingsdale Lumber Corporation to construct a bridge across Lumber River, near the town of Lumberton, N. C.;

H. R. 10135. An act for the construction of a bridge across Rock River at or near East Grand Avenue, in the city of Beloit, Wis.; and

H. R. 5818. An act for the retirement of public-school teachers in the District of Columbia.

ADJOURNMENT.

Mr. MAPES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 13, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting report of the Board of Engineers for Rivers and Harbors on a reexamination of Skagit River, Wash. (H. Doc. No. 591); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting draft of proposed legislation to change the name of the "Bureau of Steam Engineering" to the "Bureau of Engineering," and the "Bureau of Navigation" to the "Bureau of Personnel" (H. Doc. No. 592); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, to which which referred the bill (H. R. 11430) to punish offenses against the existence of the Government of the United States, and for other purposes, reported the same with an amendment, accompanied by a report (No. 536), which said bill and report were referred to the House Calendar.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11449) providing that any person who served in the Army, Navy, or Marine Corps of the United States during any war, who was killed in action, or died of wounds incurred or disease contracted in such service, shall be deemed to have been honorably discharged from such service, and to give pensionable status to the widow or former widow of any such person, reported the same without amendment, accompanied by a report (No. 537), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 11489) concerning proof of widowhood in claims for pension, reported the same without amendment, accompanied by a report (No. 538), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CAMPBELL of Kansas, from the Committee on Rules, to which was referred the joint resolution (S. J. Res. 69) appointing a commission to report on conditions in the Virgin Islands, reported the same with an amendment, accompanied by a report (No. 539), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENISON: A bill (H. R. 11659) to provide for the erection of a public building at Benton, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11660) to provide for the erection of a public building at Herrin, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11661) to provide for the erection of a public building at Carbondale, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL of Wisconsin: A bill (H. R. 11662) to provide for the acquisition of additional land and for the erection of a Federal building in the city of Kenosha, county of Kenosha, State of Wisconsin; to the Committee on Public Buildings and Grounds.

By Mr. McCLINTIC: A bill (H. R. 11663) authorizing bonded warehouses and other buildings used for the purpose of storing spirituous, intoxicating liquors to be turned over to the Department of Agriculture to be used as warehouses for the storing of agricultural products; to the Committee on Agriculture.

By Mr. HEFLIN: A bill (H. R. 11664) for the disposition of the proceeds of the illegal cotton taxes collected in 1862, 1864, and 1866; to the Committee on War Claims.

By Mr. KELLEY of Michigan: A bill (H. R. 11665) to increase the efficiency of the commissioned, warrant, and enlisted personnel of the Navy and Coast Guard through the temporary provision of bonuses or increased compensation; to the Committee on Naval Affairs.

By Mr. LUHRING: A bill (H. R. 11666) declaring certain persons ineligible as candidates for election to the House of Representatives and Senate of the United States, excluding their names from the official ballots, and conferring jurisdiction upon the circuit and district courts of the United States in such cases; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BLAND of Virginia: A bill (H. R. 11667) to construct a public building for a post office at Warsaw, Richmond County, Va.; to the Committee on Public Buildings and Grounds.

By Mr. HEFLIN: A bill (H. R. 11668) to require agents, brokers, and members of cotton exchanges and other persons in reporting or publishing notices of interstate or foreign sales of cotton to state specifically whether the sale is that of cotton futures or of actual cotton; to the Committee on the Judiciary.

By Mr. DICKINSON of Missouri: A bill (H. R. 11669) authorizing the acquisition of a site and the erection thereon of a public building at Windsor, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11670) authorizing the acquisition of a site and the erection thereon of a public building at Rich Hill, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11671) authorizing the acquisition of a site and the erection thereon of a public building at Eldorado Springs, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. McLANE: A bill (H. R. 11672) making it possible for the natural and artificial ice industries of the country to be included in the next industrial census; to the Committee on the Census.

By Mr. BROOKS of Pennsylvania: A bill (H. R. 11673) to authorize the War Department to restore the Gettysburg National Military Park to its condition prior to use for military purposes during the war with Germany, and to appropriate the necessary funds therefor; to the Committee on Military Affairs.

Also, a bill (H. R. 11674) to provide for the permanent improvement of part of the Taneytown public road within the limits of the battle fields of Gettysburg; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 11675) to provide for the purchase of a site and the erection of a public building thereon in the city of Delta, Colo.; to the Committee on Public Buildings and Grounds.

By Mr. STRONG of Kansas: A bill (H. R. 11716) authorizing the Secretary of War to make settlement with the lessees who erected buildings on the zone of Camp Funston activities and amusements, at Camp Funston, Kans.; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11676) to correct the military record of Sanford F. Timmons; to the Committee on Military Affairs.

Also, a bill (H. R. 11677) granting an increase of pension to Albert Norris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11678) granting a pension to Solomon Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting an increase of pension to James K. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11680) granting an increase of pension to Rufus J. Tyhurst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11681) granting an increase of pension to Adam Maharg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11682) granting a pension to Orlando R. Edwards; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 11683) granting a pension to Jeremiah Robinson; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 11684) for the relief of Hewson L. Peeke; to the Committee on Claims.

By Mr. BLAND of Virginia: A bill (H. R. 11685) granting an increase of pension to William A. Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11686) granting a pension to Mathilda C. Greenwood; to the Committee on Pensions.

By Mr. BROWNE: A bill (H. R. 11687) granting an increase of pension to Walter B. McKey; to the Committee on Pensions.

Also, a bill (H. R. 11688) granting an increase of pension to Hyram Colwell; to the Committee on Pensions.

By Mr. COLE: A bill (H. R. 11689) granting an increase of pension to James L. Moore; to the Committee on Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11690) granting an increase of pension to James M. Divine; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 11691) granting an increase of pension to Abraham M. Reams; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 11692) granting an increase of pension to Lena Mauter; to the Committee on Pensions.

Also, a bill (H. R. 11693) for the relief of Anton Smith, alias Charles Roehmer; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 11694) granting an increase of pension to Susan Chittenden; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11695) for the relief of Thomas E. Philips; to the Committee on Military Affairs.

Also, a bill (H. R. 11696) granting a pension to Anna Dixon; to the Committee on Pensions.

Also, a bill (H. R. 11697) granting a pension to Patrick H. Gubin; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 11698) granting a pension to Rose M. Painter; to the Committee on Pensions.

Also, a bill (H. R. 11699) granting an increase of pension to Anna E. Herrington; to the Committee on Pensions.

By Mr. LAYTON: A bill (H. R. 11700) for the relief of Moore L. Henry; to the Committee on Claims.

By Mr. McGLENNON: A bill (H. R. 11701) granting an increase of pension to Gilbert Smith; to the Committee on Invalid Pensions.

By Mr. MAJOR: A bill (H. R. 11702) granting a pension to Marin C. Vance; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 11703) granting a pension to Albina Van Meter Pearce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11704) granting an increase of pension to Cicero Phipps; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 11705) granting an increase of pension to Harriet H. Carmical; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 11706) granting a pension to Patrick Kinney; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 11707) to correct the military record of Andrew Potter; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11708) granting an increase of pension to James H. Watson; to the Committee on Pensions.

Also, a bill (H. R. 11709) granting an increase of pension to Andrew T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11710) granting a pension to Andrew J. Showan; to the Committee on Pensions.

Also, a bill (H. R. 11711) granting a pension to John F. McNeeley; to the Committee on Pensions.

Also, a bill (H. R. 11712) granting a pension to Samuel S. Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11713) granting a pension to Benjamin Phillips; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 11714) granting an increase of pension to Ephraim A. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11715) granting a pension to Cora Booram; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

797. By Mr. BRIGGS: Petition of Merchants' Association of Texarkana, Tex., and Retail Merchants' Protective Association of Denison, Tex., advocating adoption of 1-cent postage for "drop" letters; to the Committee on the Post Office and Post Roads.

798. Also, petition of Lodge No. 923, Benevolent and Protective Order of Elks, of Amarillo, Tex., condemning bolshevism and other radicalism and advocating deportation of aliens teaching same and legislation to cancel citizenship papers of naturalized aliens espousing such doctrines; to the Committee on the Judiciary.

799. By Mr. DENISON: Petition of W. J. Blair and other members of Farmers' Educational and Cooperative Union of America, of Sparta, Ill., urging enactment of a law prohibiting gambling in farm products; to the Committee on Agriculture.

800. Also, petition of miners of Johnston City, Ill., protesting against proceedings by the Federal Government against miners; to the Committee on the Judiciary.

801. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against coal miners; to the Committee on the Judiciary.

802. Also, petition of miners of Johnston City, Ill., protesting against Federal proceedings against coal miners; to the Committee on the Judiciary.

803. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

804. Also, petition of miners of Herrin, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

805. Also, petition of miners of West Frankfort, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

806. Also, petition of miners of De Soto, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

807. Also, petition of Federal Labor Union of Duquoin, Ill., protesting against Federal procedure against miners' unions; to the Committee on the Judiciary.

808. Also, petition of miners of De Soto, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

809. Also, petition of miners of Duquoin, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

810. Also, petition of miners of Herrin, Ill., protesting against Federal proceedings against miners" unions; to the Committee on the Judiciary.

811. Also, petition of miners of Christopher, Ill., protesting against Federal proceedings against miners' unions; to the Committee on the Judiciary.

812. Also, petition of miners of Christopher, Ill., protesting against certain Federal proceedings against mine workers; to the Committee on the Judiciary.

813. Also, petition of miners' union of Benton, Ill., protesting against proceedings against mine workers; to the Committee on the Judiciary.

814. By Mr. EMERSON: Petition of Painesville Lodge No. 549, Benevolent and Protective Order of Elks, urging the enactment of legislation directing the deportation of undesirable aliens; to the Committee on Foreign Affairs.

815. By Mr. FULLER of Illinois: Petition of sundry citizens of Illinois, opposing the bill to transfer the Bureau of Education to the Department of Labor; to the Committee on Education.

816. Also, petition of the Illinois Press Association, concerning the print-paper situation; to the Committee on the Post Office and Post Roads.

817. Also, petition of the Union League Club of Chicago, favoring increased pay for the officers and men of the Navy; to the Committee on Naval Affairs.

818. Also, petition of the Dairymen's League (Inc.), of New York, favoring the Capper-Hersman bill; to the Committee on Interstate and Foreign Commerce.

819. Also, petition of the National Industrial Conference Board, favoring the antistrike provision of the Senate railroad bill; to the Committee on Interstate and Foreign Commerce.

820. Also, petition of the American Federation of Railroad Workers, protesting against the passage of the Cummins and Esch railroad bill; to the Committee on Interstate and Foreign Commerce.

821. By Mr. LINTHICUM: Petition of Hochschild, Kohn & Co., of Baltimore, Md., in connection with proposed revision of income and excess-profits tax; to the Committee on Ways and Means.

822. Also, petition of Walter E. Faxwell, 1545 Hanover Street; D. May, local chairman of Lodge No. 432; J. A. Tugitt, 1290 Riverside Avenue, all of Baltimore, Md., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

823. Also, petition of the National Union Bank of Maryland, P. L. Goldsborough, president, favoring the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

824. Also, petition of W. George Wittig, president Auxiliary One hundred and tenth Machine Gun Battalion, Twenty-ninth (Blue and Gray) Division, favoring the Royal C. Johnson bill for bonus to soldiers of the late war; to the Committee on Military Affairs.

825. Also, petition of Willoughby M. McCormick, of Baltimore, Md., urging Congress to back up the Department of Justice in its fight to rid our country of radicals, anarchists, Bolshevists, and I. W. W's; to the Committee on the Judiciary.

826. Also, petition of sundry citizens of Baltimore, Md., favoring House bill 10835, fixing compensation of officers in the National Army who incurred disability while in the service; to the Committee on Military Affairs.

827. By Mr. McCLINTIC: Petition of George Washington Branch, Friends of Irish Freedom, protesting against loans to foreign nations; to the Committee on Ways and Means.

828. By Mr. MURPHY: Memorial of the Women's Foreign Missionary Society of the Methodist Episcopal Church of Wellsville, Ohio, praying for the passage of House bill 8063; to the Committee on Foreign Affairs.

829. By Mr. NELSON of Wisconsin: Petition of central committee of the Socialist Party of Douglas County, Wis., protesting against the raids now being carried out against foreign-born workingmen in this country; to the Committee on the Judiciary.

830. By Mr. ROWAN: Petition of Miss G. G. Quinn, of New York City, favoring return of railroads to owners; to the Committee on Interstate and Foreign Commerce.

831. Also, petition of National Industrial Conference Board, favoring legislation preventing any interruption of railway service; to the Committee on Interstate and Foreign Commerce.

832. Also, petition of president of the Order of Railroad Telegraphers, in connection with its relation to the Board of Railroad Wages and Working Conditions; to the Committee on Interstate and Foreign Commerce.

833. Also, petition of president of American Federation of Railroad Workers, protesting against passage of Cummins-Esch bill; to the Committee on Interstate and Foreign Commerce.

834. Also, petition of the New York State Forestry Association urging appropriation increase for the United States Forest Service; to the Committee on Agriculture.

835. Also, petition of R. P. Love, of Philadelphia, Pa., in connection with the Post Office Department; to the Committee on the Post Office and Post Roads.

836. By the SPEAKER (by request): Petition of sundry citizens of Chicago, Ill., protesting against present situation in respect of miners; to the Committee on the Judiciary.

837. By Mr. TAGUE: Petition of associated industries of Massachusetts indorsing House bill 11126, entitled "A bill to save daylight in the first zone"; to the Committee on Interstate and Foreign Commerce.

838. Also, petition of C. S. Luitweiler, of East Boston, Mass., advocating legislation protecting the public against combinations affecting transportation; to the Committee on Interstate and Foreign Commerce.

839. Also, petition of George F. Swain, of the Harvard Engineering School, in connection with the proposed national department of public works; to the Committee on Ways and Means.

840. Also, petition of American Legion Post No. 69, Malden, Mass., favoring bonus to discharged soldiers; to the Committee on Military Affairs.

841. By Mr. TAYLOR of Tennessee: Petition of C. M. McClung & Co., wholesale hardware and supplies, Knoxville, Tenn., opposing legislation contained in House Document No. 284, regarding the sale of explosives; to the Committee on Mines and Mining.

842. By Mr. TIMBERLAKE: Petition of employees of the office of the United States surveyor general for Colorado, asking appropriation for substantial salary increases for fiscal year 1921; to the Committee on Appropriations.

843. By Mr. VARE: Petition of Joint Board of Cloak and Shirt Makers' Union of Philadelphia, relative to seating of Victor L. Berger; to the Committee on Elections No. 1.

SENATE.

TUESDAY, *January 13, 1920.*

Rev. J. J. Muir, D. D., of the city of Washington, offered the following prayer:

Our Father and our God, we bless Thee that through the passing years Thou dost remain the same yesterday, to-day, and forever. We thank Thee for all the privileges of life, and beseech of Thee to sanctify to us every high engagement of duty and enable each to understand the dignity of service. Regard Thy servants before Thee this morning with all the manifold demands upon them. Give wisdom to each, and such direction to the great interests of the country that Thy glory may be served and the good of the Nation and of the world may be enlarged and increased. We ask it for Thy name's sake. Amen.

On request of Mr. CURTIS, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.